

UNIVERSITY POLICY

Policy Name:	Protection of Minors					
Section #:	30.1.9	Section Title:	Public Safety		Formerly Book:	
Approval Authority:	Senior Vice President for Administration, Executive Vice President, Strategic Institutional Planning & Operations & COO		Adopted:	6/3/2014	Reviewed:	<u>1/8/2016</u>
Responsible Executive:	Senior Vice President for Administration Executive Vice President, Strategic Planning and Operations & COO		Revised:	<u>6/11/2014, 1/8/2016</u>		
Responsible Office:	Division of Administration & Public Safety Institutional Planning & Operations		Contact:	apspolicies@aps.rutgers.edu protectminors@aps.rutgers.edu		

1. Policy Statement

To provide guidelines for appropriate protection and supervision of minors participating in University-sponsored programs¹, or in programs operated by outside entities that are held in University facilities.²

2. Reason for Policy

To protect minors who are participating in University-sponsored programs, or in programs operated by outside entities that are held in University facilities.

3. Who Should Read this Policy

All employees or any other person subject to the terms of this policy.

4. Resources

¹ While all suspected instances of abuse or neglect of a minor must be reported under the Protection of Minors Policy and state law, other policy requirements do not relate to minors enrolled in the undergraduate program or Summer/Winter Session courses, **or Rutgers University employed minors. Events on campus that are open to the public and which minors attend at the sole discretion of their parents or legal guardians, or private events where minors attend under parental or legal guardian supervision do not need to comply with the registration, training, and/or background check requirements of this policy. Any program or activity that believes it should be exempt from this policy must reach out to the Protection of Minors Steering Committee at protectminors@aps.rutgers.edu for review and discussion.**

² This policy provides for the minimum standard of conduct. All policies at a departmental or unit level that deal with interactions with minors must reference this policy and must not provide for a standard of conduct below what is provided for here. However, the Protection of Minors Policy does not supersede or diminish stricter standards provided for in patient care policies that relate to the treatment of minors, research policies that relate to the inclusion of minors in research and any other area which provides for greater protections.
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Protection of Minors Website (protectminors.rutgers.edu)

Guide to Working with Minors (generalcounsel.rutgers.edu/guide-working-minors)
(protectminors.rutgers.edu/Minors_files/Guide%20to%20Working%20with%20Minors.pdf)

NJ Youth Camp Standards N.J.A.C. 8:25
(http://www.nj.gov/health/phss/documents/youth_camp.pdf)

Sample Parental Consent Form / Permission Slip
(<http://protectminors.rutgers.edu/PDF/Sample%20Permission%20Slip.pdf>)

Guidelines for Using the Protection of Minors Database
(<https://halfife.rutgers.edu/minors>)

Rutgers Environmental Health & Safety Policy on Volunteers and Minors in the Laboratory
(http://rehs.rutgers.edu/lslab_minors-and-volunteers.html)

5. Definitions

This policy is subject to the following definitions:

Authorized Adult – Individual(s), paid or unpaid, who is (are) authorized to supervise or regularly chaperone minors. An authorized adult must be at least eighteen (18) years of age.

Background Check Report – A document that includes criminal history, sex offender registry and/or child abuse/neglect database records.

Background Investigation – A review of a person’s criminal history, sex offender registry and/or child abuse/neglect records.

Direct Contact Position or Job Title – Position or job title that includes responsibility to exercise direct supervision, guidance, or control of minors, which may include counselors or volunteers under the age of eighteen (18) years.

Minor – A person under the age of eighteen (18).

One-on-one Contact – Interaction between any Authorized Adult **or individual in a Direct Contact Position or Job Title** and a minor without at least one other Authorized Adult, parent or legal guardian present.

Outside Entity / External Agency – Non-affiliated third-party organizations or agencies that utilize Rutgers University facilities / space to host youth serving programs or activities where the minors participating in the program are supervised by non-affiliated Authorized Adults and Direct Contact Positions or Job Titles.

Programs – Programs and activities offered by any academic, administrative or athletic unit of the University, or by non-University groups using University Facilities.

Sponsoring Unit – The academic, administrative or athletic unit of the University that offers a program or gives approval for the use of University facilities.

University-sponsored Program – A program or activity operated by an affiliated Rutgers Department or Rutgers student organization where the minors participating in the program are supervised by Rutgers Authorized Adults and Direct Contact Positions or Job Titles.

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All policies are subject to amendment. Please refer to the Rutgers University Policy Library website (policies.rutgers.edu) for the official, most recent version.

6. The Policy

I. Duty to Report Child Abuse and Neglect

Anyone who suspects that a minor has been subject to abuse or neglect must immediately notify the Rutgers University Police Department (RUPD) at 732-932-7211.

New Jersey law (NJSA 9:6-8.10) requires all persons who have reasonable cause to believe that a minor has been subject to abuse or neglect to report it to the New Jersey Division of Child Protection and Permanency, formerly the Division of Youth and Family Services (DYFS) at 1-877-NJABUSE (1-877-652-2873).

The University will not retaliate against any individual who reports a reasonable belief that a minor has been subject to abuse or neglect.

II. Policy for Programs Involving Minors Operated by any Unit of Rutgers University

Sponsoring units operating a program involving minors (not including minors matriculated as undergraduate students or enrolled in Summer Session or Winter Session courses, **or employed by Rutgers University**) must operate the program in accordance with the following guidelines:

A. **Measures to prevent abuse of minors:**

1. All persons must make all reasonable efforts to remove minors from dangerous or potentially dangerous situations, irrespective of any other limitation or requirement.
2. **Programs and activities involving minors on campus must be registered with the university through the Protection of Minors Database. On-going programs must register annually.**
3. Background investigations of Authorized Adults and those who hold Direct Contact Positions or Job Titles who have interaction with minors must be conducted **before they begin working with minors at Rutgers University. Anyone that may have one-on-one interaction with minors must undergo a background check before the program start date.**

Such investigation must include both a criminal **history** background check and a sex offender registry check. If such a background investigation indicates a record of sexually based offenses or crimes against minors, that individual may not participate in the Program. If the background investigation reveals any other adverse information, the Program must contact University Human Resources ~~with notice to~~ **who will notify** Risk Management, **Public Safety, and the Office of General Counsel** to determine whether, in compliance with relevant federal and state statutes and regulations, participation in the Program by that individual is permissible. Background investigations of employees who continue in employment in the Program must be repeated ~~at least~~ every 3 years. **Sex offender registry checks of employees who continue in employment in the Program must be repeated annually.**

If an Authorized Adult or individual who holds a Direct Contact Position or Job Title is charged with a sexually based offense or crime against a minor after they have commenced participation in a program involving minors, they shall be required to disclose this information in writing to University Human Resources (UHR) immediately upon being charged. Upon notification, UHR shall contact the Program

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Director to restrict the individual from further participation in the program until/unless approval is granted by UHR. The university will assess the circumstances surrounding the charge, timeframe, nature, gravity and relevancy within the context of the job duties. It is the exclusive responsibility of the Authorized Adult or individual that holds a Direct Contact Position or Job Title to notify UHR of a charge of a sexually based offense or crime against a minor under this section; failure to do so shall disqualify the individual from further participation in any university program governed under this policy. This reporting obligation is for purposes of this policy only and does not relieve an employee from any additional reporting obligations they may have.

Results of background checks related to the Protection of Minors Policy should not be received or maintained at a Departmental level. All background check results shall be sent to University Human Resources as outlined on the POM website: <http://protectminors.rutgers.edu/NJSPbackground.php> <https://ipo.rutgers.edu/publicsafety/NJSP>. Any Program Director who receives the results of a background report shall not open or review the results and, further, must immediately forward the report to UHR for inclusion in a confidential UHR file. Copies will not be retained at the department/work unit level. The University will maintain all background check reports received from a consumer reporting agency and the New Jersey State Police exclusively within a confidential University Human Resources file.

Instructions for obtaining background checks and sex offender registry checks are available on the Protection of Minors website: <http://protectminors.rutgers.edu>.

4. Authorized Adults participating in programs and activities covered by this policy must not, unless required by exigent circumstances:
 - a. Have contact with minors in seclusion: when feasible, there should be two or more Authorized Adults present during activities when minors are present.³
 - b. Enter a minor's room, bathroom facility, or similar area when that minor is staying overnight in University housing without another Authorized Adult in attendance, except under emergency circumstances.
 - c. Share accommodations with minors with the exception of minors' parents or guardians sharing accommodations with their own children.
 - d. Engage in abusive conduct of any kind toward, or in the presence of, a minor.
 - e. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner any minor.
 - f. Pick up minors from or drop off minors at any location, other than the driver's child(ren), except as specifically authorized in writing by the minor's parent or legal guardian.

³ Private one-on-one instruction is the accepted standard in certain educational settings, such as music lessons. In those situations, the Program shall take reasonable and appropriate measures to ensure the safety of minors.

Items 4a, 4b, 4c and 4f above do not apply when there are high school students, including prospective student athletes, participating in pre-enrollment visitation, hosted by current University student(s).

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- g. Provide alcohol or illegal drugs to any minor. Authorized Adults also must not provide prescription drugs or any medication to a minor unless specifically authorized in writing by the parent or legal guardian as being required for the minor's care or the minor's emergency treatment. See Section C.2. for additional information.
 - h. **Expose minors to sexually explicit materials, such as pornography.**
5. All Authorized Adults **and those who hold Direct Contact Positions or Job Titles** participating in a program covered by this policy are required to ~~attend~~ **complete** annual training on the conduct requirements of this policy, on protecting participants from abusive emotional and physical treatment, and on appropriate or required reporting of incidents of improper conduct to the proper authorities.
 6. If an allegation of inappropriate conduct **is/**has been made against an Authorized Adult **or an individual who holds a Direct Contact Position or Job Title** participating in a program ~~she/he~~, **the individual** shall ~~discontinue~~ **be restricted from** any further participation in ~~that the~~ program ~~unless~~ or until such allegation has been satisfactorily resolved **through investigation** by the ~~Program Director or designee~~ **Rutgers University Police Department (RUPD)**. **It is the responsibility of the Program Director to immediately report all allegations to the RUPD or the Rutgers Compliance Hotline for investigation and resolution. Program Directors shall not investigate any reported allegations and shall take reasonable steps to ensure evidence is preserved until the arrival of the RUPD.** Rutgers employees who violate this policy may be subject to discipline, up to and including termination from employment.

B. Measures to maintain adequate supervision of minors:

1. Whenever feasible, all activities involving minors (with the exception of academic classroom activities) should be supervised by at least two or more Authorized Adults or by the minor's parent(s) or legal guardian(s) at all times. Some of the factors to consider in determining "adequate supervision" are the number and age of participants; the activity(ies) involved; type of housing, if applicable; and age and experience of the supervisors.
2. Students who are at minimum 18-years-old and are participating in the program as either employees or volunteers may ~~supervisor~~ supervise minor participants, subject to the same background checks, reporting obligations and minimum standard of conduct provided herein.
3. If applicable, programs must adopt and implement rules and regulations for proper supervision of minors in University housing. The following must be included:
 - a. Guidelines on adequate number of staff for supervision of minors in particular activities.
 - b. Written permission signed by the parent/guardian for the minor to reside in University housing, including contact information for parents and emergency medical authorization.
 - c. Guests of participants, if allowed, (other than a parent/legal guardian and other program participants) are restricted to visitation in the building lobby and/or floor lounges, and only during approved hours specified by the program.

- d. The program must comply with all security measures and procedures specified by University Housing Services and RUPD.
- e. Pre-enrollment visit programs for High School students housed overnight in residence halls must be registered with the Office of Residence Life.

C. Measures to Address Medical and Emergency Situations Involving Minors:

1. Authorization of and Access to Emergency Medical Services
 - a. An authorization for medical treatment, release of medical information (HIPAA), emergency treatment and general medical liability waiver form must be completed by the parent or guardian of each participant.
 - b. Programs must arrange for access to emergency medical services at all locations. Medical care appropriate for the nature of the events, expected attendance and other variables should be taken into consideration. Consultation may be obtained from Public Safety, Risk Management or Health Services. In case of emergency, individuals must call 9-1-1.
 - c. This section does not apply to programs such as Summer Session / Winter Session which involve only academic classroom activities.
2. Distribution or administration of medications
 - a. Medication may be distributed to the participant by program staff only in accordance with written authorization from the participant's parent or legal guardian. All such medication must be provided in its original pharmacy container labeled with the participant's name, name of the medication, dosage and timing of consumption. Over-the-counter medications must be provided in the manufacturers' original container.
 - b. Staff shall keep medication in a secure location, and at the appropriate time for distribution shall meet with the participant, as appropriate given the nature of the program.
 - c. Any medication which the participant cannot self-administer must be stored and administered by a licensed healthcare professional associated with the University. If no one is available, arrangement must be made with another health care professional in advance of the participant's arrival.

3. Safety measures for laboratory or research activities

All programs which include laboratory or research activities must follow appropriate safety measures approved by the Rutgers Office of Environmental Health & Safety (**REHS**).

Further information is available on the REHS website:

http://rehs.rutgers.edu/lab_minors-and-volunteers.html
<https://ipo.rutgers.edu/rehs/minors-lab>

4. Notification of parents in an emergency

Programs should establish a procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions.

III. Policy for Programs Involving Minors Operated by Outside ~~Parties~~ Entities on Rutgers University Property

Any program involving minors operated by ~~outside~~ **third** parties on Rutgers property must be operated consistent with the guidelines of this policy. All contracts for the use of University facilities by outside parties for programs involving minors must reference this requirement and provide a link to this policy. **The University reserves the right to require proof of compliance with the above noted policy requirements. Instructions for program registration, training, and background checks for external agencies can be found on the Protection of Minors website.**

If a background investigation indicates a record of sexually based offenses, crimes against minors, or any other adverse information, the Program must contact Rutgers University Human Resources at BackgroundCheck@hr.rutgers.edu or POMcheck@hr.rutgers.edu. The University may exclude any external program employee, volunteer, or representative who does not successfully pass a background check. Non-University organizations and entities must certify compliance with the background check requirement described herein by submitting the date of the last successfully completed background check that was returned with no adverse information into the Protection of Minors Database.

IV. Sanctions for Violation of Policy

Failure to comply with the provisions of this policy and any related campus procedures may result in discipline in accordance with applicable collective negotiations agreements and University policies, up to and including termination of employment, dismissal from the University, issuance of No-Trespass Notices, and/or disqualification for participation in future volunteer activities.

Non-compliance reports will be issued for failure to meet the requirements of this policy relating to registration, training, and/or background checks in a timely manner before the start of a program or activity involving minors. Failure to take corrective action may result in the cancellation of your event, suspension of your program, and/or denial of permission to continue operating your program or activity at Rutgers University. Continued or intentional noncompliance will result in the removal of insurance coverage for your program and/or the removal of funding allocated to the program or activity where appropriate.