



Eastern Kentucky University

Policy and Regulation Library

University Policy: 9.3.5POL

Responsible Office(s): Conferencing and Events
& Division of Public Safety

Effective: December 10, 2020

Next Review Date: December 10, 2025

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Protection of Minors on Campus

Statement

Eastern Kentucky University is committed to protecting Minors who participate in Programs sponsored by the University or on University Property.

This policy provides information and guidance to Internal Constituents, External Constituents and Volunteers who will supervise and interact with Minors involved in any Program or event held on University Property, housed in University Residences, and/or held at Off Campus Facilities.

Internal Constituents, External Constituents and Volunteers who are supervising and/or interacting with Minors, are expected to comply with this policy. Failure to comply with this policy may lead to sanctions including but not limited to, suspension, dismissal, termination, and exclusion from University Property.

Pursuant to KRS 620.030, any person is required by Kentucky law to immediately contact a local law-enforcement agency when they know or have reasonable cause to believe that a Minor is a victim of Child Abuse or Neglect.

This policy is to be read in conjunction with University Policy 1.6.2, Non-Retaliation, to prevent retaliation against any person for making an inquiry, participating in an investigation, or reporting possible non-compliance with Laws, Regulations, and Policies.

This policy is similarly to be read in conjunction with University Policy 1.4.1, Discrimination and Harassment, which prohibits sexual assault of Minors, as defined.

Entities Affected

This policy applies to all Internal Constituents, External Constituents, and Volunteers who operate or participate in any Program that includes Minors.

Procedures

I. Program Information

Program Sponsors shall maintain an up-to-date list of any Programs that include Minors. Such lists should include each Program's dates, times, locations, attendance (age range and number of participants), and a Program contact. In the event of an emergency, this process allows consideration to be given to the possible presence of Minors and an appropriate plan to address their health and safety.

At least ten (10) days before the start of any Program, or as soon as is reasonably practical, the Program Sponsors shall submit this information to Conferencing and Events. Program Sponsors are encouraged to submit this information as far in advance as possible.

Each Program Sponsor shall designate a qualified Program Leader to be responsible for implementation and oversight of the Program and compliance with University Laws, Regulations, and Policies.

II. Program Registration

All Programs, whether located on University Property or Off Campus Facilities, must be registered through Conferencing and Events or Campus Recreation. The registration process includes, but is not limited to, submission of the following:

- University Waiver of Liability, Assumption of Risk, and Indemnity Agreement;
- Health History and Parent Consent Form;
- Photographic Consent and Release Form;
- Summer Camp/Conference Contract;
- Volunteer Program Guidelines and Eligibility Questionnaire;
- Program Advertising and Marketing Materials Approval Form.

III. Program Guidelines

Programs shall have in place, enforce, and make available upon request guidelines that address the following areas, as applicable to the particular Program:

- Submission and execution of any required documents, including, but not limited to, the documents in Section II;
- Transportation, including the transportation of Minors at the beginning and end of the Program, to and from the Program, and within the Program, whether by Parents or Legal Guardians, Program Staff, or others (applies to programs sponsored by Internal Constituents only);

- Emergency plans in the event that the Program takes place in an area or building that does not already have a plan in place;
- Appropriate supervision of Minors, including Program staff-to-participant ratio, as set forth by Conferencing and Events or in accordance with liability insurance recommendations, whichever is greater;
- Appropriate physical contact and communication by Program Staff with Minors based on the age of Minors and the nature of Program activities;
- Training about interactions with minors, and confirmation that the training was completed;
- First aid, medical treatment, medical information, and dispensing of medication.

IV. Overnight Travel and/or Stays

Programs that include any overnight stays either in University Residences or Off Campus Facilities by Minors shall have guidelines in place to appropriately address the following:

- Identification to be worn by Program Staff;
- Curfews;
- Code of conduct for participants;
- Prohibitions on the use of alcohol, tobacco, and non-prescribed drugs;
- Residential supervision, including Program Staff-to-participant ratio, as set forth by Conferencing and Events;
- Room assignments;
- Training about interactions with minors, and confirmation that the training was completed;
- Bathing facilities/schedule to ensure that separately assigned facilities for adults and minors are made available. Adults and minors NEVER use the same bathing facilities simultaneously.

V. Background Checks

A. For Internal Constituents:

- All Program Staff, Employees, Volunteers, or other individuals who will could have unsupervised, direct contact with Minors are required to complete a Criminal Background Check and National Sex Offenders Public Website Check. Such checks shall be repeated for all Program Staff, Employees, Volunteers, or other individuals working with minors who have a one (1) year gap in service with ECU. Regardless of any gap in service, all Program Staff, Employees, Volunteers, or other individuals who will have direct contact with Minors shall be subject to periodic Criminal Background

and National Sex Offender Public Website checks, including, but not limited to, at the request of an individual Program or Unit.

- Where applicable based on position or role at ECU, some Program Staff, Employees, Volunteers, or other individuals may be subject to a Central Registry Check in which they are required to obtain a letter from the Cabinet for Health and Family Services stating the individual is clear to hire based on no findings of substantiated child abuse or neglect found through a background check of child abuse and neglect records maintained by the Cabinet for Health and Family Services.
- It is the responsibility of the individual Program or Unit to ensure that Program Staff, Employees, Volunteers, or other individuals who will have direct contact with Minors have completed the necessary Criminal Background Check, including the National Sex Offenders Public Website, as well as the Central Registry Check when applicable.
- The costs associated with processing background checks, including Central Registry Checks, are the responsibility of the Program or Unit.
- If a Criminal Background Check or National Sex Offender Public Website check reveals an individual has been convicted of, pled guilty to, or entered an Alford plea to a sex crime as specified in KRS 17.500 (or other applicable statute) or a violent offense as specified in KRS 439.3401 (or other applicable statute), the individual is prohibited from participating in a Program.
- If a Criminal Background Check includes a record of conviction of any other offense, the Office of Human Resources, in consultation with the Program Leader, will determine if the offense(s) preclude participation.
- If a Central Registry Background Check reveals a finding by the Cabinet for Health and Family Services of child abuse or neglect, the individual is prohibited from participating in a Program.
- For individuals for whom complete background checks are infeasible, the Program Leader shall perform checks to the fullest extent feasible, document the information received, and adopt additional measures to prevent child abuse and facilitate the reporting of child abuse.
- For individuals who are non-citizens, Program Leaders shall contact Human Resources before ordering a Background Check and National Sex Offender Public Website check to ascertain whether the non-citizen has obtained the appropriate documentation and is eligible to work in the United States. For individuals who are non-citizens and have been in the United States for less than one (1) year, Program Leaders shall contact Human Resources before ordering a Background Check and National Sex Offender Public

Website check to ascertain whether a Background Check and National Sex Offender Public Website check is possible to complete.

B. For External Constituents:

External Constituents utilizing University Property in Programs involving Minors shall complete the required background checks for Program Staff and Volunteers with a national criminal database and National Sex Offender Public Website and shall make those results available to the University upon request.

All contracts with External Constituents utilizing University Property and/or University Residences in Programs involving Minors shall include a requirement that appropriate background checks will be conducted for Program Staff, Volunteers, and others having direct contact with Minors.

VI. Minor Employees and Volunteers

A Minor that accepts employment or volunteer work with the University is required to follow the University's background policy and must complete a criminal background check and National Sex Offender Public Website check.

All Program Leaders and Minors volunteering or employed in any capacity for the University must adhere to the Kentucky Child Labor Laws.

VII. Code of Conduct

Program Leaders shall ensure that all Program Staff and any other individuals who will have direct contact with Minors have been provided with the Code of Conduct for Interacting with Minors. Program Leaders shall ensure that all Program Staff and any other individuals who could have unsupervised direct contact with Minors have read and understand the Code of Conduct for Interacting with Minors prior to the start of any program or event.

VIII. Training

Prior to the start date of any Programs involving Minors, all Program Leaders and Program Staff must complete the appropriate training as identified by Campus Recreation or Conferencing and Events. This training is designed to target issues including, but not limited to:

- Information about responsibilities and expectations;
- Best practices when interacting with Minors;
- Awareness of signs of possible abuse, molestation or neglect;
- Policies, procedures, and enforcement;
- Safety and security precautions;

- Confidentiality issues involving Minors;
- The University's responsibility and liability.

IX. Transportation

When transporting Minors in a Program, more than one adult Program Staff member must be present in the vehicle. Avoid using personal vehicles.

Any Programs that utilize University vehicles owned, leased, or rented (including commercially-rental vehicles) shall also comply with University Regulation 9.4.1, Motor Vehicle Use Regulation, and KRS 189.125, Requirements of use of seat belts, child restraint systems, and child booster seats. For purposes of this policy, approved drivers shall receive training on proper installation of child restraint systems and child booster seats, when applicable.

For Internal Constituents only:

If the Program will be renting, leasing, or using personal vehicles to transport Minors, the Program Leader must submit to the Division of Public Safety a copy of the Program Leader and/or Staff's adult driver's license for a Motor Vehicle Records (MVR) check.

If personal vehicles of Program Leaders and Staff will be utilized, the Program Leader must submit the following to the Division of Public Safety:

- Proof of auto liability insurance, including personal injury protection, underinsured and uninsured coverage;
- License plate number of all vehicles to be used in transporting Minors; and
- Make, model, color, and year of all vehicles to be used.

X. Contractual Agreements and Program Literature (External Constituents)

Contractual agreements concerning personnel or facilities related to programs including Minors should include compliance with this policy as a term of the contract if compliance with University rules and regulations is not otherwise clear or obligatory.

A. Contractual Agreements

Contractual agreements concerning personnel or University Property and/or University Residences related to Programs including Minors shall include compliance with this policy as a term of the contract. When appropriate, such contracts shall also include an indemnification provision in which the University is held harmless for the acts and omissions of External Constituents.

B. Program Advertising and Marketing Materials

External Constituents are not permitted to use the University name, logo or other identifying marks in literature to include, but not limited to, audio, print and electronic, and must adhere to the following:

- Any advertising and marketing materials must clearly state “not sponsored by Eastern Kentucky University”;
- The Program Sponsor must submit examples of any advertising and marketing materials for approval as part of the registration process; and
- If Program participants are required to bring their own equipment, the advertising and marketing materials must clearly communicate equipment must be provided.

XI. Minors in Laboratories

This section establishes University-wide requirements regarding the presence of Minors in University laboratories.

A. Minors Under the Age of 13

Minors under the age of 13 may not be present in a laboratory, unless they are touring or visiting a laboratory pursuant to the following requirements:

- Minors may enter a University laboratory as part of a supervised tour or visit.
- The Program Leader and Primary Supervisor of the Laboratory will be responsible for proper supervision and for providing any Personal Protective Equipment (“PPE”) for visitors.
- Laboratory tours may only be conducted at times when all hazardous materials are properly stored and are not being used for experiments.
- Minors must be supervised at all times while on the premises.

B. Minors Age 13-17

Minors age 13-17 are authorized in a laboratory setting when they are participating in an academic Program, pursuant to the following requirements:

- They have written consent from their Parent or Legal Guardian.
- They have received general lab safety training which has been documented.
- They have been trained in the specific hazards to which they may be exposed in the laboratory and they agree to strictly adhere to the laboratory-specific requirements concerning PPE;

- They are at all times under the direct supervision of the Program Leader and Primary Supervisor of the Laboratory.

XII. Exceptions to Activities Involving Minors

For the purposes of this policy, the following activities/situations do not apply:

- Generally, Minors are not excluded from scheduled tours of campus when they are under the supervision of an adult.
- Minors enrolled at Model Laboratory School participating in activities as part of the regularly scheduled activities of the school.
- Minors who are dependent children of Residence Hall Coordinators, residing in University Housing Residences.
- Performances or events not targeted towards Minors and open to the public (e.g., University athletic competitions, theatre productions, and musical concerts).
- Scheduled classes or activities designed primarily for Students, including Dual Credit programs and Early College Programs.
- Placement of Students, for academic credit or clinical or teaching requirements, with external entities.
- Minors fully enrolled as ECU students.
- Minors receiving clinical services with an established client intake process (e.g., the Speech-Language-Hearing Clinic).
- Visits by individual Minors interacting with any Internal Constituent (on or off University Property), but not as part of a coordinated Program. However, these activities shall have their own guidelines in place and have a waiver signed by the Parent or Legal Guardian of the Minor. It is the responsibility of the Internal Constituent to obtain the waiver from the Parent or Legal Guardian and maintain the waiver in their records pursuant to University Policy 11.3.1, Records Management. The waiver and guidelines may include, but are not limited to:
 - Individual lessons (e.g., music or golf) or tutoring/mentoring;
 - Individual Minor conducting research in a laboratory with a professor;
 - Job shadowing of a University Employee;
 - Individualized academic experiential learning/enrichment.

XIII. Minor Children in Classroom Settings

Minor children of students should be permitted to be guests in classes in limited circumstances only when accompanied by a parent or legal guardian and only with the consent of the instructor. Minor children may only be guests in classes in which there is sufficient space to accommodate their presence without disruption to the educational environment. The minor

children of students are not permitted to be guests in the restricted areas listed in XIV (B), below.

XIV. Minor Children at the Workplace

The University values an atmosphere that fosters a healthy balance between workplace obligations and family issues. The University understands that brief and infrequent visits by children of its employees occur for a variety of reasons, however, Minor children should only be permitted at the workplace on rare occasions due to unusual circumstances and for limited amounts of time (excluding activities listed in Section XII and family-friendly office gatherings in which children are explicitly welcome, such as office parties and picnics).

A. Supervisor Approval

The workplace may not be used as an alternative for regular child care. When child care arrangements break down, an employee should seek alternatives to bringing the child to the workplace. However, occasionally, special circumstances and emergencies do occur. At such times, the supervisor may grant an exception. A child who has an illness that prevents him or her from being accepted by a regular day care provider, particularly a child with infectious disease, may not be brought to the workplace under any circumstances.

B. Employee Responsibilities

If an Employee brings Minor children to the workplace, the Employee assumes any and all risk and responsibilities with having a Minor child in the workplace, and must adhere to the following:

- Be sensitive and respect the needs of other people;
- Not expect other people to care for their Minor children;
- Take responsibility for the safety of their Minor children at all times;
- Supervise their Minor children at all times;
- Ensure their Minor children behave appropriately; and
- Be responsible for any damage caused by their Minor children.

The employee's supervisor may direct the employee to remove the child from the workplace at any time if the supervisor determines that these guidelines have been violated or that the child's presence negatively impacts University interests.

C. Restricted Areas

Minor children at the workplace are not allowed into high risk and/or restricted areas, to include, but not limited to:

- Laboratories (unless under the provisions of Section XI);

- Animal care areas;
- High security areas;
- Physical plant mechanical rooms and workshops;
- Areas with power tools and equipment;
- Commercial kitchens;
- Chemical storage areas;
- Areas under construction or refurbishment;
- Roofs;
- Facilities work areas;
- Gymnasium, fitness center, or other athletic facility (Exceptions shall be made by and for Campus Recreation programs);
- Within or on any University-owned powered equipment used primarily for work purposes, except those vehicles used for the transportation of the general public, or as part of a University Program;
- Computer labs;
- Records areas;
- Storage areas;
- Healthcare and/or patient care facilities, including but not limited to, the Counseling Center, Psychology Clinic, Student Health Services, Athletic Training, etc.; and
- Aviation areas not open to the general public and not part of a scheduled tour that include, but are not limited to, airplanes, airport field lines, and aviation hangars.

D. Assumption of the Risk and Waiver

If approval to bring Minor children to the workplace has been granted, by voluntarily bringing their Minor children to campus, the Employee assumes all associated risk and waives all potential legal claims against the University and its Regents, employees, and volunteers for incidents occurring while the Minor children are present on campus.

xv. Reporting Suspected Abuse and Notification Procedures

- Pursuant to KRS 620.030, any person is required by Kentucky law to immediately contact a local law-enforcement agency when they know or have reasonable cause to believe that a Minor is a victim of Child Abuse or Neglect. To comply with state law, reports may be made to the following:
 - EKU Police Department, (859) 622-1111, for any suspected Child Abuse or Neglect of any Minor on University Property or participating in a University Program;
 - Child Protection Hotline at (877) 597-2331;
 - Any local or state police.

- Any failure to report suspected Child Abuse or Neglect may result in criminal charges and/or disciplinary action.
- If initial notification is made to any authority other than the ECU Police Department, the University requires that a report also be filed with the ECU Police Department, so the University can conduct its own internal investigation. Failure to do so may result in corrective action.
- If initial notification is made to the ECU Police Department, then the ECU Police Department has the obligation to report the suspected abuse to the Kentucky Cabinet for Health and Family Services.
- The University shall cooperate with an external investigation by the Kentucky Child Safety Branch or local law enforcement. The University shall conduct its own internal investigation to determine if corrective actions are warranted, up to and including termination, consistent with University policy.
- The ECU Police Department shall maintain a report of each allegation, together with a summary of the internal evaluation, as well as findings and sanctions, if any, that are imposed.

If the alleged abuser is not an Internal Constituent, but is on University Property through an External Constituent authorized to be on University Property, that External Constituent shall also be notified that the alleged abuser shall no longer be permitted on University Property. Legal prohibitions regarding physical presence on University Property and/or trespassing may also be enforced.

Definitions

- **Approved Drivers:** Any person responsible for operating a motor vehicle that contains Minors.
- **Child Abuse or Neglect:** Any situation where a child's health or welfare is harmed or threatened with harm by a Parent or Legal Guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child.
This may include, but is not limited to, physical injury, mental injury, sexual abuse, and sexual exploitation. (See KRS 600.020 for the complete definition.)
- **External Constituents:** Individuals, groups, or organizations not affiliated or in partnership with Eastern Kentucky University.
- **Internal Constituents:** University Employees, Students, academic departments and colleges, administrative offices and units, and registered student organizations.
- **Laws, Regulations, and Policies:** Federal or state laws, administrative regulations, and University policies, regulations, or procedures.
- **Minor(s):** A person who has not reached their eighteenth birthday.

- **National Sex Offender Public Website (NSOPW):** U.S. government website that links public, state, territorial, and tribal sex offender registries from one national search site. (www.nsopw.gov)
- **Off Campus Facilities:** Residential and any other facilities utilized for Programs involving minors not located on University Property or University Residences.
- **One-on-One Contact:** Personal, unsupervised interaction between a Program Leader or Program Staff and a Minor without at least one other Program Leader, Program Staff, Parent or Legal Guardian present.
- **Parent or Legal Guardian:** A person who has legal authority to care for the personal and property interests of a Minor.
- **Personal Protective Equipment:** Specialized clothing or equipment worn for protection against health and safety hazards.
- **Primary Supervisor of the Laboratory Program(s):** For the purposes of this policy, the person responsible for planning, managing, and supervision of any laboratory activities involving Minors.

Ongoing or planned events that are designed to include Minors or are targeted toward Minors. Examples include, but are not limited to: camps, lessons, workshops, club or team activities, projects, practices, tours, open houses, research activities, and recruiting activities.

This definition may not capture every circumstance in which Minors may be present on University Property. In this instance, those circumstances will be evaluated by the Division of Public Safety to determine whether they fall within the scope of this policy.

- **Program:** Ongoing or planned events that are designed to include Minors or are targeted toward Minors. Examples include, but are not limited to: camps, lessons, workshops, club or team activities, projects, practices, tours, open houses, research activities, and recruiting activities.

This definition may not capture every circumstance in which Minors may be present on University Property. In this instance, those circumstances will be evaluated by the Division of Public Safety to determine whether they fall within the scope of this policy.

- **Program Leader:** The member of the Program Staff who is responsible for Program management and operation. The Program Leader shall:
 - Be 18 years or older;
 - Be a University Employee (Internal Constituents only)
 - Have completed the appropriate training administered through a Program managed by Human Resources, or its designee; and
 - Have demonstrated adequate qualifications and supervisory experience as determined by the Program Sponsor.

- **Program Sponsor:** Internal Constituents- the University, college, department, division, office, or unit responsible for operating any Program including Minors. External constituents- any individual, group, or organization responsible for operating any Program including Minors.
- **Program Staff:** Any person, paid or unpaid, who supervises or has responsibilities for oversight of Minors or a Program.
- **Student(s):** Individuals currently enrolled at the University.
- **University:** Eastern Kentucky University.
- **University Employee(s):** Faculty and staff currently employed at the University.
- **University Property:** Any real property, buildings, and facilities under the primary control of the University through ownership, lease, or other means.
- **University Residences:** Residential buildings and areas owned by, or under the control of, the University.
- **Volunteer(s):** Any person who donates their time or efforts for a cause or organization.

Responsibilities

- Conferencing and Events
 - Administration of the policy.
- Internal and External Constituents, Volunteers, and Guests
 - Immediately contact a local law-enforcement agency when they know or have reasonable cause to believe that a Minor is a victim of Child Abuse or Neglect.
- Division of Public Safety
 - Enforcement of the policy.
- University
 - Ensure that that Minors who participate in University-sponsored Programs or visit the University are protected.
- University Counsel
 - Oversight of the policy. Serves as a resource to Conferencing and Events and the Division of Public Safety.

Violations of the Policy

Internal Constituents, External Constituents and Volunteers are expected to comply with this policy. Failure to comply may lead to the full range of available University sanctions

applicable including suspension, dismissal, termination, and where application, exclusion from University Property.

Statutory or Regulatory References

Code of Conduct for Interacting with Minors
University Policy 1.6.2, Non-Retaliation
University Policy 9.4.1, Motor Vehicle Use
University Policy 11.3.1, Records Management
Kentucky Child Labor Laws administered by the Kentucky Labor Cabinet
KRS 620.030, Duty to report dependency, neglect, abuse, or human trafficking
KRS 17.400, Definitions for KRS 17.500 to 17.580
KRS 189.125, Requirements of use of seat belts, child restraint systems, and child booster seats
KRS 439.3401, Definitions for Violent Offender
KRS 532.045(1) Definitions for Positions of Authority
KRS 600.020(1), Definitions for KRS Chapters 600 to 645, Abused or Neglected Child

Policy Adoption Review and Approval

Policy Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
December 10, 2020	Board of Regents	Adopted