



# Elizabethtown College

## **POLICY REGARDING MINORS ON CAMPUS**



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## ***POLICY REGARDING MINORS ON CAMPUS***

### SECTION I

#### **PURPOSE, SCOPE, AND DEFINITIONS**

##### **A. Purpose**

Elizabethtown College is committed to protecting the health and well-being of minors on campus at all times. This policy is intended to protect minors from child abuse (including physical abuse, neglect, or sexual abuse) while on Elizabethtown College campus. This policy establishes guidelines and procedures to prevent, report, investigate, and respond to suspected instances of abuse, neglect, or sexual abuse involving a minor.

##### **B. Scope of the Policy**

This College-wide policy applies to College-sponsored activities involving minors and programs for minors sponsored by non-College organizations that use College facilities. Also, this policy applies to employees, students, volunteers, and contractors when interacting with minors during such programs and activities. This policy does not apply to general public events in College facilities where parents or guardians are invited and expected to provide appropriate supervision of minors.

##### **C. Definitions**

**Authorized Adult**—An authorized adult is an adult, age 18 or older, who is authorized, pursuant to this policy, to supervise, or otherwise have **Direct Contact** with, minors participating in a Program. All College employees, students, independent contractors, and volunteers (including but not limited to, Faculty, Staff, Students, Tutors, Instructors, Supervisors, Coaches, Camp Counselors, Program Directors, Chaperones, Volunteers, Third Party Contractors, Vendors, and Temporary/Seasonal Workers) acting as authorized adults must be in compliance with the requirements of the provisions of this Policy entitled “**Individuals Acting as Authorized Adults.**” Although a parent or legal guardian may supervise their own minor children and their guests who are



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minors while visiting the campus or using campus facilities, a parent or legal guardian may not act as an Authorized Adult in a Program (including one in which his or her child participates) unless they are in compliance with the requirements outlined below under “***Individuals Acting as Authorized Adults.***” Authorized Adults are considered Required Reporters.

***Child Abuse***—Pennsylvania law defines any of the following as child abuse when it is committed upon a child less than 18 years of age:

- Any recent act or failure to act which causes non-accidental serious *physical injury* (defined as an injury that either causes the child “severe pain” or “significantly impairs the child’s physical functioning, either temporarily or permanently”);
- An act or failure to act which causes non-accidental serious mental injury or *sexual abuse* or sexual exploitation;
- Any recent act, failure to act or series of such acts which creates an imminent risk of serious physical injury, sexual abuse, or sexual exploitation;
- Serious physical *neglect* which endangers a child’s life or development or impairs a child’s functioning.

***College Facilities***—Facilities owned by, or under the control of, Elizabethtown College.

***Contractor***—A contractor is not an employee of the College. A contractor is a member of an external company or organization hired to provide consulting services, building or repair work, or complete tasks.

***Direct Contact***—Positions with a significant likelihood of regular contact with minors, in the form of care, supervision, guidance, training, or control and/or routine interaction with minors.

***General Public Event***—A College-sponsored event or event using College facilities open to the general public and local community.



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**Minor**—Any person under the age of 18, but, as such term is used in this policy, excludes those enrolled or accepted for enrollment in credit-granting courses at the College. It includes persons under the age of 18 participating in Programs on campus, both those that are College-sponsored or those that are sponsored by non-College organizations using College facilities.

**One-on-One Contact**—Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parent, or legal guardian being present.

**Program**—Any organized activity or event that is designed to or otherwise does include participants who are minors, offered by an academic or administrative unit of the College, whether on- or off-campus, or by non-College organizations using campus facilities. Programs shall include, but not be limited to, workshops, summer camps (day or residential), conferences, and group visits, but shall exclude the following **Exempt Programs**:

**Programs:**

- Performances or events open to the general public (such as athletic competitions, plays, concerts, lectures, etc.);
- Day visits and tours for prospective students organized by the Office of Admissions; and
- Visits by minors over the age of 16, including overnight stays in College housing facilities by applicants for admission or guests of enrolled students, when hosted by enrolled College students; provided, however, that all such visitors shall be fully subject to the Student Code of Conduct, the Guest Policy and the Overnight Visit Policy while on campus.

**Required Reporter**—All employees, student employees, independent contractors, and volunteers who come into contact with children and have reasonable cause to suspect, on the basis of their medical, professional or other training and experience, that a minor is a victim of child abuse. **Authorized Adults** are considered Required Reporters. The terms **Required Reporter** and **Mandatory Reporter** are the same for the purposes of this policy.

**Sponsoring Unit**—The academic or administrative unit of the College which offers a program or gives approval for housing or use of facilities pursuant to the Special Events and Summer Programs (SESP) guidelines and agreements.



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**Volunteer**—A volunteer is not an employee of the College. A volunteer provides uncompensated assistance or support services for a College department, program, event, or activity.

## SECTION II PREVENTING THE ABUSE OF MINORS ON CAMPUS

Minors are regularly on campus for any number of reasons including admissions tours, weekend visits, student orientation, athletic events and camps, programs, or special events. With the exception of **Exempt Programs**, the College will endeavor to provide the appropriate supervision of minors to promote the safety and well-being of minors on campus. This section of the policy addresses guidelines and procedures for minors on campus in each of four categories: general guidelines for all Programs, general rules of conduct for Program participants, guidelines for College-sponsored Programs, and guidelines for Programs not sponsored by the College, but using College facilities. All Programs on campus that include the participation of Minors must be registered and preapproved within thirty (30) days prior to the start of the program or event. A Working with Minors Packet, including registration form, can be found on the Human Resources website.

### A. General Guidelines for All Programs Involving Minors on Campus

**Presence of Minors on Campus:** The College reserves the right to establish conditions, restrict, or deny access to College facilities by minors at its discretion. All minors, including those participating in **Programs**, shall be subject to all College regulations while on campus, and may be asked to leave the campus if unable to comply.

Any minor visiting the campus and not directly participating in a College-sponsored Program must be supervised by a parent or guardian at all times. Unsupervised minors not participating in a **Program** as defined above may be asked to leave by Campus Security.



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All Programs, where parents or legal guardians are not expected to participate, require other adults to supervise minors. When supervision of minors is provided by adults, not the parents or legal guardians, these adults must be **Authorized Adults**; that is, authorized, pursuant to the provisions of this policy, to supervise and/or have other **Direct Contact** with the minors participating in the **Program**.

**Individuals Acting as Authorized Adults:** Minors must be supervised by an Authorized Adult at all times while on campus participating in a Program. Requirements for **Authorized Adults** are detailed below:

No student, College employee, parent or legal guardian, independent contractor or other volunteer shall serve as an Authorized Adult in any Program, unless and until the following requirements have been met:

- **Self-Disclosure:** All employees of the College and Authorized Adults must disclose, in writing and within 72 hours, any convictions of a felony or misdemeanor that have occurred since the date of a background check and/or clearance. This written notification must be made to the Associate Vice President for Human Resources. Failure to disclose may result in an Authorized Adult not participating in a Program on the College campus and for College employees may result in disciplinary action, up to and including, termination of employment.
- **Background Checks:** Successful completion of a criminal background check prior to his or her participation in any program or activity where there is direct contact with a minor. The College reserves the right to refuse employment or involvement of an individual based on the results of an unsuccessful background check. A satisfactory criminal background check will be required of each Authorized Adult every two (2) years.  
Required screening and background checks will consist of the following:
  - 1) National Criminal History Background Check
  - 2) PA State Police Criminal Background Check
  - 3) FBI Fingerprint Background Check (Criminal History Report)
  - 4) Child abuse registry; sex offender registry
  - 5) Motor Vehicle Records (MVR) Check (if driving of minors is involved)

The Human Resources Office must receive advance notice of 15 days to conduct criminal background checks. A prior conviction shall not automatically disqualify an applicant from a program or activity. If a criminal record is found, an individual assessment will be conducted. Taken into consideration will be the nature of the record found, time elapsed, employee's employment or academic history since the



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finding, and other relevant information as necessary. Results of all background searches will be kept confidential and will not be disclosed except to the extent necessary to administer and enforce this policy or pursuant to appropriate legal action.

Non-college organizations and Third Party organizations will be responsible for conducting criminal background checks that meet the College standards of this policy for their associated employees, volunteers, and organizers. At any time should the organization be notified or informed of a criminal background check that reveals an arrest or conviction, the College contact for that Program must be informed immediately in writing. The College reserves the right to refuse participation in the Program on the campus based on the above criteria for reviewing criminal records found during a criminal background check.

- **Training:**

The Human Resources Office will be responsible for providing training on the health, safety, and management of Minors for the purpose of general awareness or the purpose of meeting required guidelines. This includes all Authorized Adults, College employees, student employees, and volunteers participating in **Programs** as defined above. Training on this policy and the required guidelines concerning Minors on campus will be addressed as follows:

**Awareness Training** will consist of information and instruction to assure all training participants clearly understand there is a duty to protect Minors on campus and a required responsibility to report suspected abuse of Minors on campus. **Awareness Training** is required for every new employee during New Employee Orientation via either in-person or on-line learning. **Awareness Training** is required for current employees every three years through on-line learning, in-person by request, or in-person during scheduled training sessions on campus.

**Extended Training** will consist of the State-mandated training every five years for three hours and will be provided through in-person and on-line learning. **Extended Training** will cover the following in depth:





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- Recognition of the signs of sexual misconduct or abuse that fall under the purview and reporting requirements of the Child Protective Services Law.
- State requirements and procedures for reporting sexual misconduct or abuse of a Minor
- College policies and procedures for reporting sexual misconduct or abuse of a Minor
- Maintenance of professional and appropriate relationships with students.

*Extended Training* is required for every Authorized Adult, employee, student employee, volunteer, intern, or contractor of the College who will have **Direct Contact** with, or direct Programs involving, Minors on campus. The Human Resources Office will maintain all training records associated with compliance under this policy.

**Appropriate Supervision of Minors:** At a minimum, Authorized Adult to Minor ratios shall be as described below. Additional personnel may be required based on the needs of the minor or activities planned. If the activity is mixed gender, male and female Authorized Adults should be available.

Age of Minor	Authorized Adult	# of Minors
6 mos. – 5 years	1	4
6 years – 8 years	1	6
9 years – 14 years	1	8
15 years - 17 years	1	10

Note: There must be no fewer than 2 Authorized Adults supervising Minors.

**Prohibited Conduct:** Authorized Adults participating in Programs covered by this policy shall not:

- Have one-on-one contact with a Minor.
- Participate in Program-related overnight stays unless at least one other Authorized Adult is present and parent(s) or legal guardian(s) of all the minors present have given consent. An Authorized Adult should not enter a Minor’s room, bathroom facility, or similar area without another adult in



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attendance. Separate accommodations for Authorized Adults and Minors are required other than the Minors' parents or legal guardians.

- Engage in behavior that is physically, emotionally, mentally, or sexually abusive toward, or in the presence of a minor.
- Strike, hit, or touch in an inappropriate or illegal manner any minor.
- Provide, give access to, or use tobacco products, alcohol, or illegal drugs; or be under the influence of alcohol or illegal drugs while participating in activities or operating a motor vehicle with minors.
- Inappropriately use cameras, cell phones, imaging, or audio or video equipment or computers;
- Present or use firearms, fireworks, or weapons of any kind unless being used for an official and approved instructional program.
- Make sexual materials in any form available to minors participating in Programs covered by this policy or assist them in any way in gaining access to such materials.
- Leave a minor in the care of a person that is not an Authorized Adult or in an area that is off-limits to minors.
- Minors are not permitted in potentially hazardous work areas within Elizabethtown College (e.g. laboratories, shops, and other potentially hazardous work areas or areas with hazardous materials present) except if the Minor is an employee of the College or has been formally accepted as a volunteer worker, has been trained in safety procedures, and is supervised by an Authorized Adult.

## **B. General Rules of Conduct for Program Participants**

College sponsors, program participants, and staff must abide by the College's Standards of Conduct Policy and may be removed from the Program or campus for non-compliance with the rules. The following must be included in Program rules:

- Ensure that minors and parents/legal guardians receive a copy of the College's Standards of Conduct Policy.
- The possession or use of alcohol and other drugs, fireworks, guns and other weapons is prohibited.
- The operation of a motor vehicle by minors is prohibited while attending and participating in the Program. With prior written consent from the parent or legal guardian of a minor who drives him or herself to a Program, such minor may be allowed to drive offsite during lunch time.
- The parking of staff and participant vehicles must be in accordance with College parking rules.
- Rules and procedures governing when and under what circumstances participants may leave College property during the program.
- No violence, including sexual abuse or harassment, will be tolerated.



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- Hazing of any kind is prohibited. Bullying, including verbal, physical, and cyber bullying, is prohibited.
- No theft of property regardless of owner will be tolerated.
- No use of tobacco products is allowed.
- Misuse or damage of College property is prohibited. Charges will be assessed against those participants who are responsible for damage or misuse of College property.
- The inappropriate use of cameras, imaging, and digital devices is prohibited including the use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
- Immediately notify Campus Security if a minor is injured, missing, or engaging in illegal or prohibited activity.
- Ensure visiting minors staying on campus are given adequate information regarding rules and regulations on personal safety.
- Ensure visiting minors staying on campus are provided current emergency information and are informed of the need to contact Campus Security should an emergency exist.
- Minors visiting campus or participating in programs or events, must have a valid consent for medical treatment should emergency care be required and must sign a liability waiver.

## C. Guidelines for College-Sponsored Programs Involving Minors

A sponsoring unit offering or approving a Program which involves Minors must comply with the following guidelines:

**Program Registration:** On-campus departments, organizations, sponsors or organizers of a Program that will involve the participation of Minors must complete a **Registration of Minors on Campus Form**. Registration forms are included as part of the Working with Minors Packet found on the Human Resources website. The form must be submitted to and approved by the Associate Vice President for Human Resources or an appropriate Human Resources official no later than thirty (30) days prior to the program or event. This form will ask for specific information involving the Program in which Minors are expected to participate.

Programs involving the participation of Minors occurring less than the thirty (30) day time period, must receive prior approval by a Human Resources official via submittal of a **Registration of Minors on Campus Form**. At no time will a program sponsor be allowed to run a Program without the required registration, approval, and checks.



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**Communication Plan:** All Programs must establish procedures for communications which, as a minimum, includes the following:

- A procedure for notification of all participants' parents or legal guardians in the event of an emergency, and obtain and keep accessible contact information for participants' parents or legal guardians, as well as emergency contacts in the event the parents or legal guardians are unavailable.
- For residential programs at College facilities, provide a list of all program participants and a directory of program staff to Residence Life and Campus Security Offices. This list shall include participants' name; local room assignment; gender, age, address, and phone numbers of parent or legal guardian, as well as emergency contact information.
- All parents or legal guardians of participating minors shall be provided with contact information in order to reach participants while the Program is in session.

**Medical Emergency Plan:** All Program participants (adults and minors) will be required to provide the appropriate Parent Waiver and Minor Emergency Medical Release Forms. All Programs must obtain:

- Authorization from adult participants for medical services as may be necessary for health and safety and indemnification for the College and/or Program organizer;
- Authorization from all participants' parents or legal guardians to permit transport of Program participants for medical treatment should emergency care be required;
- Authorization for medical treatment in the event the parents or legal guardians or their designated emergency contact are not available; and
- Disclosure of any allergies or other medical condition or physical limitation that might impact participation in the program. In the event that participants require administration of medicines while participating in a Program and such medicine cannot be self-administered, the participant or their parents or legal guardians must arrange for administration with an independent health care professional in advance of the participant's arrival.

**Supervision Plan:** All Programs must establish a plan for adequate supervision in light of the number and average age of participants, the Program activity and whether overnight accommodations are involved. See section on **Appropriate Supervision of Minors** for more details. The Supervision Plan must specify the person having responsibility over all Authorized Adults serving in the Program, the proposed ratio of participants to Authorized Adults, and provide a proposed breakdown of Authorized Adults by category of employees,



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students and volunteers. The Supervision Plan for any overnight program must specify curfews, rules pertaining to any visitors, and limitations of use of free time. All Programs involving Minors must be supervised by at least two or more Authorized Adults at all times.

**Transportation Plan:** All Programs must establish a procedure for the pick-up and drop-off of participants, specifying times and locations, and providing that no participant shall be released to any person other than his or her parent or legal guardian without specific written authorization from such parent or legal guardian. Any Program providing for transportation of participants by Authorized Adults after drop off by a parent or legal guardian to the campus or other site must be in all instances reviewed and approved by the Director of Campus Security. Under no circumstances shall an Authorized Adult be permitted to be alone with a Minor in a car or other vehicle. Drivers must comply with the following:

- All drivers who transport Minors must be Authorized Adults.
- All drivers must have a valid driver's license for a minimum of three years.
- All drivers will be van certified and have a successful MVR (Motor Vehicle Record) Check.
- All student drivers must undergo on-line and on-the-road training to be van certified.
- Drivers are to adhere to all applicable state driving laws and regulations.
- Drivers are required to use seat restraints/seatbelts with minors.
- No texting or other distracted driving.

## **D. Guidelines for Programs Not Sponsored by the College, but Using College Facilities (Third Party)**

Any Program involving Minors and sponsored by non-College organizations that use College facilities (Third Party) shall be required to execute and deliver the following prior to authorization by the Special Events and Summer Programs (SESP) Office to make use of College facilities:

- Provide an approved **Registration of Minors on Campus Form** prior to the endorsement of an SESP contract with a third party.
- Provide Certification in writing that the Program meets all requirements set out in this policy including without limitation, all provisions concerning training and background checks of all Authorized Adults, at least thirty (30) days prior to the scheduled use of College. The process used for background screening by the Third Party Camp must be acceptable to SESP.



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- All contracts for the use of College facilities by outside parties for Programs involving minors shall reference the requirement to comply with guidelines of this policy and provide a link to this policy.
- Must comply with all SESP Guidelines.
- Must submit a Certificate of Insurance with the required SESP application.
- A Third Party Camp will be required to sign the appropriate SESP agreement that indemnifies the College from legal action taken as a result of negligence of camp operators and their staff.
- A Third Party camp will be responsible for obtaining and maintaining the necessary medical release and consent forms should emergency care be required.
- Conduct a safety risk assessment on the premises.

## SECTION III

### REPORTING AND INVESTIGATING SUSPECTED ABUSE OF MINORS ON CAMPUS

#### Reporting:

***Any member of the Elizabethtown College community, employee or student employee, who encounters a minor on campus or at an off-campus sponsored event, and suspects that the minor has been the victim of child abuse, must report the incident, irrespective of the seriousness of the incident. In such cases, the suspected abuse should be reported immediately to Campus Security, the College's EC Hotline (toll free: 855-696-1899 or web-assisted: <https://www.reportlineweb.com/Welcome.aspx?Client=etown>), a Human Resources Official, the DPW ChildLine (1-800-932-0313), or local law enforcement by calling 911. Authorized Adults involved in Programs not sponsored by the College but using College facilities must meet the same reporting requirements.***

The College's 800 Hotline number 855-696-1899 and the Hotline secure website are supported by *The Network*: <http://www.tnwinc.com/index.php/products-services/hotline> providing employees and students with an additional reporting process to remain anonymous. *The Network* information will be relayed to the College for immediate investigation. At no point will the reporting employee's identity be shared with the College, unless the employee provides his or her name.



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**College employees are required to report child abuse they witness or suspect (with no exceptions).**

Pennsylvania law defines any of the following as child abuse when it is committed upon a child less than 18 years of age:

- Any recent act or failure to act which causes non-accidental serious physical injury (defined as an injury that either causes the child “severe pain” or “significantly impairs the child’s physical functioning, either temporarily or permanently”);
- An act or failure to act which causes non-accidental serious mental injury or sexual abuse or sexual exploitation;
- Any recent act, failure to act or series of such acts which creates an imminent risk of serious physical injury, sexual abuse, or sexual exploitation;
- Serious physical neglect which endangers a child’s life or development or impairs a child’s functioning.

## **Investigation:**

Whenever the College receives a report of alleged **Child Abuse** in a **Program** as defined herein or otherwise having occurred on **College Facilities** as defined herein, the person receiving the report shall immediately notify Campus Security who will document and affirm the appropriate contacts have taken place within 48 hours.

The College will:

- Take immediate steps to prevent further harm to the alleged victim and other minors, including, where appropriate, removing the alleged abuser from the program or activity or limiting his or her contact with minors pending resolution of the matter.
- Determine whether the local authorities need to be notified or have already been notified and, if not, whether such notification is required or appropriate given the circumstances.
- If the parents or guardians of the alleged victim have not been notified and are not the alleged abusers, notify the parents or guardians of the minor involved.
- Investigate the report as needed and resolve the matter in a way that safeguards minors, protects the interests of victims and reporters, affords fundamental fairness to the accused, and meets relevant legal requirements.
- Facilitate the College’s cooperation with any investigation conducted by the local authorities or other governmental agency.
- Follow through with the appropriate risk management contacts to legal counsel or insurance brokers, as necessary.



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Whenever a report alleges that someone involved in a non-College program or activity on campus who is not a member of the Elizabethtown College community has committed **Child Abuse**, the person receiving the report shall immediately notify Campus Security, who will document and affirm the appropriate contacts have taken place within 48 hours. Campus Security will consult with the President of the College and other appropriate senior leadership and coordinate with the non-College organization or entity as necessary to see that the above required investigation notifications and procedures have been followed to address the **Child Abuse**.

## Consequences of Abuse:

Any college employee who is convicted of **Child Abuse** will be terminated according to the personnel policies of the College, whether the abuse occurred on or off campus. Any employee against whom a credible accusation of **Child Abuse** has been made as determined by the preponderance of the evidence, on or off campus, is subject to college discipline up to and including termination. The process for release outlined in Chapter 2, Section III, A of the Faculty Handbook will be followed for employees who are tenured faculty. Any Elizabethtown College student, who is convicted of **Child Abuse**, on or off campus, will be expelled from the college. Any student against whom a credible accusation of **Child Abuse** has been made as determined by a preponderance of the evidence, on or off campus, is subject to discipline up to and including expulsion.

## Protection from Retaliation

All persons reporting suspected **Child Abuse** on campus are presumed to be acting in good faith. Retaliation is strictly prohibited against anyone who makes a good faith report of suspected **Child Abuse** on campus or who participates in a related investigation. Individuals concerned about retaliation should speak with the Associate Vice President of Human Resources.