

Protection of Minors on Campus Policy

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Categorized: Employment, Benefits & Workplace Policies

Responsible Office: Office of Human Resources

SCOPE:

This policy applies to all members of the Westminster College community including but not limited to faculty, staff, student body, volunteers and contractors. It governs all programs and activities sponsored by or affiliated with the College, and those offered by third parties on College-owned or operated property. The Policy does not apply to events that are open to the general public where parents or guardians are expected to provide supervision of minors in their care.

POLICY STATEMENT:

Westminster College (the “College”) is committed to the safety and well-being of minors present on its campus, and seeks to conduct its operations and maintain its campus so as to provide an academic environment that is safe for everyone. Minors come into contact with the College through various programs, camps and events. This Policy provides the expectations and guidelines related to minors on campus and the mandatory duty to report suspected incidences of child abuse and neglect.

The College recognizes that minors may be present on campus for a variety of legitimate reasons including but not limited to visiting as prospective students while in high school or once they graduate from high school, accompanying current students and/or employees to official College activities or events, participating in field trips or community service projects, or other official College programming on campus. All members of the College community are expected to be positive role models to minors by behaving in a caring, honest, respectful, and responsible manner at all times.

This Policy requires appropriate adult supervision for all minors on campus at all times. The College believes that it is in the best interest of minors and members of the College community that minors shall not be unattended or unsupervised while on campus in any circumstance. When minors are on campus as part of an official College activity or event, the individuals responsible for the activity or event are responsible for ensuring minors are supervised while on campus. When minors are on campus accompanying current students and/or employees, the current student and/or employee is responsible for ensuring minors are supervised at all times while on campus and minors shall not be unattended at any time while on campus.

Violating any part of this policy can result in a range of actions including disciplinary action for employees and an indefinite ban from the campus for external groups. Conduct violating this policy may also violate other policies such as student conduct policies and may be addressed through the student conduct process.

STANDARDS OF CONDUCT: Authorized adults and authorized youth leaders should behave professionally and maintain the highest standards of personal behavior at all times. Authorized youth leaders must be supervised by and act at the direction of an authorized adult.

Program Requirements – Individual youth programs are expected to adhere to the following program requirements when conducting youth programs:

1. Youth programs must be registered with the College at least sixty (60) days prior to the start of the youth program.

2. Authorized personnel/signatories for third party groups using the College facilities must provide the College with satisfactory evidence of compliance with all of the requirements of this Policy at least thirty (30) days prior to the scheduled use of the College facilities, as well as an approved agreement for use of College facilities, if applicable.
3. Youth program coordinators shall obtain all media, medical, and liability authorizations/releases as a part of the program registration process.
4. Youth program coordinators shall utilize the standard medical treatment consent form for all participants.
5. Your program coordinators shall utilize the standard parent release of responsibility form for all minors who are authorized to commute independently, or be released to a specified adult other than the minor's parent during the duration of the specified program.
6. Youth program coordinators shall provide adequate supervision of minors during the program. In determining the appropriate level of supervision, the program will consider the number age, and gender of all participants, the activities involved, and the age and experience of staff/volunteers.
7. In the event of a medical emergency, authorized adults should contact local medical emergency services.
8. All youth program personnel shall follow appropriate safety measures approved by the College's Safety and Compliance Officer designee for laboratory and research work and where otherwise applicable.
9. Minors must be assigned residential rooms separately from adults, unless housed in the same room as a parent or legal guardian.

Unacceptable Conduct – Authorized adults and authorized youth leaders participating in programs and activities covered by this Policy **SHALL NOT**:

1. Have unsupervised one-on-one contact with a minor; when feasible, there should be two or more authorized adults and/or youth leaders present during activities when minors are present. (Note: Private one-on-one instruction is the accepted standard in certain educational settings, such as music lessons. In these situations, the Youth Program coordinator or authorized staff shall take reasonable and appropriate measures to ensure the safety of minors.
2. Enter a minor's room, bathroom facility, or similar area when that minor is staying overnight in College housing without another authorized adult or youth leader in attendance, except under emergency circumstances.
3. Share accommodations with minors with the exception of minors' parents sharing accommodations with their own children.
4. Engage in abusive conduct of any kind toward, or in the presence of, a minor.
5. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner any minor.
6. Pick up minors from or drop off minors at any location, other than the driver's child(ren), except as specifically authorized by the minor's parent or as needed to address health or safety concerns.
7. Use tobacco and/or e-cigarette/vaping products while engaged with the youth program activities.
8. Be under the influence of alcohol or illegal drugs for the duration of the program including times when minors are not present or actively involved in activities (i.e., sleeping).
9. Provide alcohol or illegal drugs to any minor. Authorized adults or youth leaders also must not provide prescription drugs or any medication to a minor unless specifically authorized by the parent as being required for the minor's care or the minor's emergency treatment
10. Expose minors to public displays of affections (romantic and/or sexual in nature) or sexually explicit materials, such as pornography.
11. Shower, bathe, or undress with or in the presence of minors.
12. Use language that encourages a minor to keep secrets from their parent (i.e., 'this is just between the two of us').

13. Communicate with a minor through the use of technology (i.e., email, text message, social media including through 'friend' or 'follow' requests, etc.) unless a parent has consented to the communication. If such means of communication is pre-approved, it shall be limited to topics related to youth programs and the consenting parent/legal guardian must also be a party to the communication.

REGISTRATION: Youth programs operating activities and programs with minors must register each activity or program with the College. Registration for ongoing and pre-established activities and programs with minors must be completed and approved by the College annually prior to the beginning of the academic year. Registration for other activities and programs with minors should be completed sixty (60) days in advance, when possible, but must be completed and approved by the College before an activity or program with minors begins. Information for required background checks and training will be provided by the College upon registration of the program or activity. Compliance of the registration process is held with the Camps Coordinator.

REQUIRED BACKGROUND CHECKS/SCREENING: As a condition of employment, all full-time and part-time employees, and volunteers must successfully complete a pre-employment criminal and National Sex Offender Registry background check. The College does not hire personnel whose criminal records checks include a conviction, or pending charges, for a sex-related offense or crime against a minor, or who appear on the National Sex Offender Registry. The types of offenses that may serve to disqualify someone from employment and working with minors are not limited to sex offenses and crimes against minors. Records of other offenses will be considered on a case-by-case basis in consultation with appropriate College offices and Human Resources as needed to determine if the individual's record will preclude employment or participation. All employees of the college must disclose any criminal convictions and/or pending criminal charges or arrests in writing to the Office of Human Resources within five days of such conviction. The Director of Human Resources will take appropriate action as required by law and by College policies.

Authorized adults must undergo a renewed background and sex offender registry check every three (3) years to be eligible to work in activities and programs with minors. This includes both those who remain full-time employees with the College and those who do not. Individual programs may require more frequent checks.

Third party/external organizations are solely responsible for informing their personnel and volunteers of the background screen check requirements of this policy and ensuring that such requirements are met at least thirty (30) days prior to the start of their program. The College will require all third party/external organizations to certify in writing that all personnel working or volunteering at the program have completed the background screen check requirements.

External organizations shall not allow their personnel whose criminal records checks include a conviction, or pending charges, for a sex-related offense or crime against a minor, or who appear on the National Sex Offender Registry to participate in any activity that is subject to this policy. The types of offenses that may serve to disqualify someone from working with minors are not limited to sex offenses and crimes against minors. Records of other offenses will be considered on a case-by-case basis in consultation with appropriate College offices and Human Resources as needed to determine if the individual's record will preclude participation.

Exceptions – The following are exceptions to this provision:

- 1) The background check requirements do not apply to youth programs whose format requires the participating minor to be accompanied at all times by a parent or other adult relative.
- 2) Westminster College students hosting siblings or other family members during campus events are not required to have a background check.
- 3) External organizations using College facilities for events open to the general public are not required to provide certification of background checks, even if minors are present.

REQUIRED TRAINING: Youth programs must ensure that faculty, staff, students, volunteers, or anyone else participating as an authorized individual are trained annually before they work in activities and programs with minors.

- 1) Program administrators and sponsoring departments are responsible for confirming that all authorized adults and authorized youth leaders working in their programs will have annual training on the following topics:
 - Child abuse awareness and prevention
 - Reporting requirements of suspected child abuse and neglect
 - All requirements of this policy and these procedures
- 2) Each youth program will provide age-appropriate orientation to its participants that address the following topics:
 - Program safety and security procedures
 - College rules, program rules, and behavioral expectations
 - How to report concerns about safety or inappropriate behavior
- 3) Each youth program will provide parents of participants with notice of:
 - Description of program activities
 - Program safety and security procedures
 - Contact information for emergencies
 - Contact information for inquiries about program activities and operations
 - How to report concerns about safety or inappropriate behavior

Human Resources and partnering departments will provide resources to program administrators and sponsoring departments to facilitate completion of the training requirements and notices.

REQUIRED REPORTING: Any authorized adult, authorized youth leader (including program staff, volunteers), and other individuals associated with the youth program must adhere to the College protocols for reporting child abuse and neglect, discrimination, and sexual harassment. Multiple reports may be required.

Mandatory reporting to authorities:

- In the event of an emergency, dial 911 immediately.
- Missouri Revised Statutes Section 210.115 provides that - certain persons (as defined in the statute) who have reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or who observes a child being subject to conditions or circumstances which would reasonably result in abuse or neglect **must immediately make a report** to the Missouri Department of Social Services Children’s Division at 1-800-392-3738 (Hearing or speech impaired may contact Relay Missouri 1-800-735-2466/voice or 1-800-735-2966/text) or online at <https://dss.mo.gov/cd/keeping-kids-safe/can.htm>. If there is threat of immediate danger call 911. **Any faculty, staff, volunteer or other member of the College community who falls within the scope of this statute is required to make such a report, regardless of whether or not the potential abuse involves College personnel.**
- In addition to the mandatory reporters specified by Missouri law in Mo. Rev. Stat § 210.115, any other person who has reasonable cause to suspect child abuse or neglect may make such a report to the Children’s Division of the Missouri Department of Social Services.

Required reporting to Westminster College - Report to the Director of Campus Safety and Security for the following reasons:

- If an authorized adult or youth leader (faculty, staff, or volunteer) or other member of the College community reports an instance or suspected instance of child abuse or neglect to the Children’s Division of the Missouri Department of Social Services, they must also report the incident to the College.
- The College ‘Anti-Harassment Policy’ and ‘Title IX Policy’ are overseen by the Title IX Coordinator and apply to all College students, employees, or third-party community members including youth program participants.

Immunity for Good Faith Reports: Pursuant to Mo. Rev. Stat § 210.135.1, any person making a report to the Department of Social Services in good faith shall have immunity from any civil or criminal liability for making the report. Knowingly making a false or fictitious allegation of child abuse or neglect is a Class A Misdemeanor under Missouri law and any person who does so shall not have immunity. Additionally, a false or fictitious allegation of child abuse or neglect will be treated as a serious offense by the College and may result in disciplinary action, up to and including termination. If you believe you have been the subject of such a report, you should contact the Office of Human Resources, 573-592-5226 or HR@wcmo.edu

Investigations: The College will investigate every report of suspected sexual abuse of a minor by faculty, staff or volunteers affiliated with the institution in accordance with the 'Formal Complaint Process' located in the '**Anti-Harassment Policy and Complaint Procedure**'.

THIRD-PARTY PROGRAMS: Any program operated by third parties on College property which involve or include minors must be operated consistent with the guidelines of this policy. All contracts for the use of College facilities by outside parties for programs involving minors must reference this requirement and provide a link to this policy. The Camps Coordinator reserves the right to require proof of compliance with the above noted policy requirements.

RETALIATION: The College will not tolerate retaliation against persons who report suspected child abuse or neglect. Any such retaliation, or encouragement of another to retaliate, is a serious violation of College policy, independent of whether the particular report is substantiated, and could result in discipline, up to and including termination. If you believe you have been subjected to retaliation in violation of this rule, you should contact the Office of Human Resources and Title IX Coordinator.

EXCEPTIONS: For good cause, the Office of Human Resources may approve limited exceptions to requirements of this policy for a youth program, provided that alternative measures are in place to adequately ensure a safe and enjoyable educational environment for all minors attending the program.

DEFINITIONS:

Abuse – The endangerment of a minor’s physical or mental health due to injury by act or omission, including sexual abuse. A minor is abused regardless of whether the activity involves force or physical contact, whether or not it is initiated by the minor, whether or not the minor is aware of what is taking place, and whether or not there is a discernible harmful outcome.

Section 210.110(1) of the Missouri Revised Statutes defines ‘abuse’ as any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child’s care, custody, and control, except that discipline including spanking administered in a reasonable manner, shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10).

Authorized adult – Any person, including faculty, staff, students, student employees, appointees or volunteers, eighteen years of age or older, paid or unpaid, who supervises or has responsibilities for oversight of minors and/or other authorized adults of youth programs.

Authorized youth leader – Any person under eighteen years of age who supervises or has responsibilities for oversight of minors and/or other authorized youth leaders.

Background check – A required screening of an authorized adult’s criminal history performed by the College through an approved vendor. This includes a check of the national sex offender registry.

Minor – Includes all persons under eighteen (18) years of age who are not enrolled as students of the College. All enrolled students are covered under the student handbook policies.

Neglect – Failure by those responsible for the care, custody, or control of a minor to provide the care reasonable and necessary to maintain physical and mental health.

Section 210.110(12) of the Missouri Revised Statutes defines, 'neglect', as the failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being. Victims of neglect shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10).

One-on-one contact: Personal, unsupervised interaction between any authorized adult and a minor without at least one other minor, parent or legal guardian being present.

Retaliation - means taking any unfavorable action or attempting to take unfavorable action, including intimidating, threatening, coercing or in any way discriminating against an individual because of the individual's report of child abuse or neglect, or participation in an investigation related to allegations of child abuse or neglect.

Sexual abuse – An interaction between a minor and adult when the minor is an object of sexual gratification. Non-contact sexual abuse may include activities such as involving minors in viewing sexually explicit materials, or encouraging sexual behavior.

'Suspected instance' or 'reasonable cause' – belief of child abuse, neglect or sexual harassment based on information shared by the minor or any other individual, or personal observations or knowledge.

Youth Program – An academic, athletic, or recreational activity or program offered to a minor by the College, or by a third-party using College facilities, during which authorized adults and/or authorized youth leaders supervise youth participants in the activity or program.

For the purpose of this policy, the following scenarios are not considered youth programs:

- Minors, accompanied by a parent or legal guardian, who are visitors in the workplace.
- Performances or events open to the general public.
- Minors on school/organization trips accompanied throughout the trip by an adult chaperone from their school/organization.
- Minors accompanied by a parent who are attending an official College admissions event.