

Non-Student Minors Policy

Policy & Procedure Training



Policy Purpose

The purpose of the Non-Student Minors policy is to provide guidance to faculty and staff overseeing non-student minors, who participate in any University programs.

The University expects all members of the University community to adhere to and act in accordance with this policy.

Failure to comply with the requirements set forth in this policy may lead to disciplinary action and/or revocation of the opportunity to use University facilities.



Related Policy Information

There are additional ETSU policies and Tennessee state laws in effect to protect children, such as those in daycare/child study facilities on the ETSU campus.

Those policies and laws may have stronger requirements and obligations. When more than one policy applies, the more stringent requirement shall be followed.

Deans and Department Chairs in charge of clinical settings should consult with the HIPAA compliance office in deciding how policy and best practice should be implemented in the health care setting.



Program Requirements and Program Organizer Responsibilities



Program Requirements

- Program Registration
- Contracts
- Background Checks
- Required Training
- Establish Behavioral Expectations



**Failure to meet the obligations of this policy may result in non-renewal of future program registrations. The Program Organizer is directly responsible for program registration and policy compliance.*



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Register the Program

- Register program with ETSU Conference Services.
- Register at least **45** days in advance of program.
- Ongoing programs must register on an annual basis.
- Register online at:
<http://www.etsu.edu/students/currentstudents/forms.php>



Execute Appropriate Written Contracts



- Parent/Guardian of non-student minor must execute **University Participation Agreement** prior to participation in any program.
 - *Agreements should be initiated through D.P. Culp University Center Conference Coordinator.*
- Non-University organizations execute **Conference Services Agreement** when using University facilities (e.g., housing, dining services) for non-student minor program participants.
- Non-University organizations execute **Facilities Use Agreements** for programs not requiring use of housing or dining services.
- Program organizers may contact Conference Services for copies of appropriate program agreements.



Conduct Background Checks

- University-sponsored programs must conduct criminal and sex offender background checks on all persons who *have substantial contact with non-student minors (Includes but not limited to faculty, staff, and volunteers)*.
- ETSU students working in the program must have successfully completed a check through the University's Student Conduct Office within the past six (6) months.
 - Please contact Student Conduct at 423-439-4210.
 - This process takes a minimum of five (5) business days to complete.
- Checks must be completed prior to individual beginning work with non-student minors.
- Program Organizer must conduct checks on returning individuals at least every **four (4)** years.
- If criminal history is revealed, program organizer must evaluate application together with Human Resources.



Complete Required Training

- All persons working in University-sponsored programs must be trained regarding policies and issues relating to interactions with non-student minors.
- Training must be completed annually before individuals begin work.
- Training must be documented and signed to indicate individuals' understanding and receipt of related ETSU policies and procedures.
- Program Organizers are responsible for requesting online training when registering and ensuring all required participants are in compliance.
- ***This online training meets the requirements and obligations for training as part of the ETSU Non-student Minors Policy.***





Training includes and reviews:

- ETSU policies regarding interactions with non-student minors;
- Use of background checks to screen individuals working with non-student minors;
- Responsibility for modeling respectful behaviors;
- Consequences of conduct violations involving non-student minors;
- Behavioral signs that non-student minor victims may exhibit;
- Sexual abuse and sexual harassment;
- Laboratory safety for non-student minors (<https://healthsafety.etsu.edu/training/list>);
- Inappropriate behavior with non-student minors; and
- Reporting requirements and procedures.



Behavioral Expectations

ETSU Vision

Developing a world-class environment to enhance student success

and improve the quality of life in the region and beyond.

*Employees / Volunteers
should be positive
role models for non-student
minors and act in a caring,
honest, respectful, and
responsible manner that is
consistent with ETSU's
mission, vision, and values.*

ETSU Mission & Values

ETSU provides a student-centered community of learning, reflecting high standards and promoting a balance of liberal arts and professional preparation, and continuous improvement. The university conducts a wide array of educational and research programs and clinical services including a comprehensive Academic Health Sciences Center. Education is the university's highest priority, and the institution is committed to increasing the level of educational attainment in the state and region based on core values where:

PEOPLE come first, are treated with dignity and respect, and are encouraged to achieve their full potential; **RELATIONSHIPS** are built on honesty, integrity, and trust; **DIVERSITY** of people and thought is respected; **EXCELLENCE** is achieved through teamwork, leadership, creativity, and a strong work ethic; **EFFICIENCY** is achieved through wise use of human and financial resources; and **COMMITMENT** to intellectual achievement is embraced.

ETSU endorses the value of liberal education and provides enriching experiences in honors education, student research and creative activity, study abroad, service learning, and community-based education.

ETSU honors and preserves the rich heritage of Southern Appalachia through distinctive education, research, and service programs and is actively engaged in regional stewardship.

ETSU affirms the contributions of diverse people, cultures, and thought to intellectual, social, and economic development.

ETSU offers students a total university experience that includes cultural and artistic programs, diverse student activities, a variety of residential opportunities, and outstanding recreational and intercollegiate athletic programs.

ETSU awards degrees in over one hundred baccalaureate, master, and doctoral programs, including distinctive interdisciplinary programs and distance education offerings that serve students from the region and beyond.



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role model

Examples

Word Origin

noun

1. a person whose behavior, example, or success is or can be emulated by others, especially by younger people.



Individuals working in programs covered by this policy must follow these expectations to avoid behaviors that could cause harm or be misinterpreted:

- Do not engage in any sexual activity, make sexual comments, tell sexual jokes, or share sexually explicit material (or assist in any way to provide access to such material) with non-student minors.
- Do not be alone with a single non-student minor.
- Do not meet with non-student minors outside of established times for program activities.
- Do not invite individual non-student minors to your home.
- Do not engage or allow non-student minors to engage you in romantic or sexual conversations or related matters unless required in the role of resident advisors, counselors, or health care providers.
- Do not engage or communicate with non-student minors through email, text messages, social networking websites, internet chat rooms, or other forms of social media at any time, except and unless there is an educational or programmatic purpose and the content of the communication is consistent with the mission of the program and the University.
- Do not touch non-student minors in a manner that a reasonable person could interpret as inappropriate.
- Do not engage in abusive conduct of any kind toward, or in the presence of, a non-student minor, including but not limited to verbal abuse, striking, hitting, punching, poking, spanking, or restraining.
- Do not use, possess, or be under the influence of alcohol or illegal drugs while on duty or when responsible for a non-student minor's welfare.
- Do not provide alcohol or illegal drugs to non-student minors.
- When transporting non-student minors in a program, more than one employee / volunteer from the program must be present in the vehicle, except when multiple non-student minors will be in the vehicle at all times through the transportation. Avoid using personal vehicles, if possible. Individuals must be over the age of 21 to transport non-student minors in a vehicle.
- Possession of or use of any type of weapon or explosive device is prohibited.

**Please refer to official policy for full details, exceptions, etc.*



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Notes on Security

- Program Organizers should brief all employees on all security measures in place to protect non-student minors, including:
 - Inclement Weather Procedures
 - Fire and Safety Evacuation Procedures
 - At the beginning of each day, non-student minors should be informed of where to go or what to do if they need help.
- Transportation
 - Follow appropriate drop-off and pick-up schedules and locations.
 - Non-student minors may **not** be released to anyone other than the person(s) listed on the approved list with valid authorization, even if they claim to be a relative. Person picking up non-student minor must also show valid identification.
 - Parents must give **written** permission for their non-student minor to drive themselves or ride with another person to and from the program.
 - If a non-student minor is not picked up at the appropriate time, please contact ETSU Public Safety.
- Hazards
 - Inspect all areas within your supervision to ensure there are no hazards (e.g., open windows, doors propped open, broken glass, candles or cooking in rooms, alcohol, drugs, tobacco, etc.).
 - If you notice any hazards, report them directly to the Program Organizer or facility manager.
- Injuries
 - Report all incidents and injuries to Program Organizer immediately.
 - Report any injuries that occur on ETSU property or within ETSU facilities to Public Safety.
 - Do **not** wait to see if parent or another person complains!



Reporting Allegations of Inappropriate Behavior



How to Report

Program Organizers should report any behavior deemed inappropriate or concerning...

- Violations of Law
- Violations of University Policies
- Violations of Program Policies / Rules
- Good Faith and Community Reporting



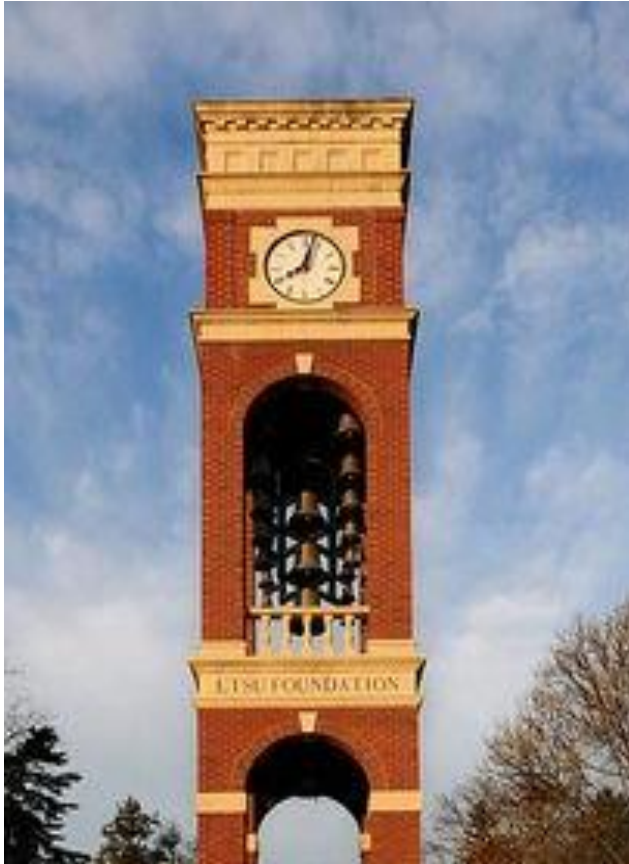
Violations of Law



- Program Organizer shall immediately file a police report with local jurisdiction where incident occurred.
- Notify ETSU Public Safety and Student Affairs if reported off campus.
 - Type of report
 - Where report was filed
 - When report was filed



Violations of University Policies



If an incident does not rise to a violation of law, report to the ETSU Division of Student Affairs.

Online

https://etsu-advocate.simplicity.com/public_report/index.php/pid905232

Email

studentaffairs@etsu.edu

Call

423-439-4210



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Violations of Program Policies or Rules



- Lower level violations of program rules should be documented and handled by Program Organizer in accordance with program policies and procedures.
- These are incidents that do **not** violate University policies or law.
- If Program Organizer is unsure how to handle a situation, ETSU Student Affairs should be consulted.
- Any incident involving inappropriate behavior, including but no limited to sexual contact of any sort, **must** be reported to ETSU Student Affairs.





Good Faith and Community Reporting

- All members of the University community have an obligation to report instances or suspected instances of abuse or inappropriate interactions with minors to ETSU Public Safety or local police immediately.
 - This includes information about suspected abuse, neglect, or inadequate care provided by a parent, guardian, or custodian/caretaker.
- Everyone has a further obligation under Tennessee state law to make a report to the director of the department of social services in the county where the minor resides or is found.
 - **Tennessee Child Abuse Hotline** 1-877-237-0004
 - **ETSU Public Safety** (423-439-4480) can assist in providing contact information for reporting to social service agencies.
- Those making a report in good faith are protected from criminal and civil liability for making the report.
- It is University policy that no one making a good faith report of suspected abuse or neglect will be retaliated against in terms of employment or educational programs.



Parent / Guardian Notifications

- Generally, a violation or allegation that a law or University policy has been violated will result in immediate notification of the parents by Public Safety and/or ETSU Student Affairs.
- Decisions will be made on a case-by-case basis given the nature of the incident and following consultations between Student Affairs, Public Safety, University Counsel, the ETSU Counseling Center, and/or others to determine if, when, and how parents/guardians will be notified.
- Parental notification regarding program rule violation shall be at the discretion of the Program Organizer.



Documentation

- Document **all** violations.
- All records should be maintained following ETSU's Records Policy.
 - <http://www.etsu.edu/bf/documents/fp-12.pdf>



Review / Investigation of Reports

Violation Type	Investigator(s)	Notes
Violations of Law	ETSU Public Safety	If violation occurred off campus, Public Safety will take lead as liaison to investigating parties.
Violations of University Policies	ETSU Student Affairs	Generally, conduct processes will follow ETSU's Institutional Disciplinary Rules as to procedure and complainant and respondent rights. Title IX investigators will lead investigations involving sexual misconduct in addition to police review in accordance with University sexual misconduct policies.
Violations of Program Policies / Rules	Program Organizer	Program Organizer may consult with Student Affairs, as needed.



Policy Terminology



Definitions

- **Child (or Children)**
 - A person who has not reached the age of 14 and is considered a “child of tender age.”
- **External Organization**
 - An organization or individual from outside of the University that uses University facilities to conduct a program pursuant to an approved contract or other Use Agreement with the University.
- **Non-Student Minor**
 - A person under the age of eighteen (18), who is not enrolled or accepted for enrollment at the University.
 - Includes, but is not limited to, visitors or summer campers, including Upward Bound or Governor’s School participants. A “Child” as defined above shall also be considered a non-student minor.
 - Does **not** include a student who is “dually enrolled” in University programs while also enrolled in primary or secondary schools, or students enrolled in an early college high school affiliated with the University.
- **Program Organizer**
 - Contact person directing a program for an external organization, or the University department, unit, or employee that is responsible for the overall administration of a program.
- **University Facilities**
 - Facilities owned by or under the control of East Tennessee State University.
- **University-Sponsored**
 - Under the direction and control of University employees acting under assigned job responsibilities.



Policy Definitions Continued

- **Program**

- Any activity that is under the direction or control of the University, wherein the University and/or University staff are responsible for the supervision of non-student minors, regardless of its location or a program or activity in which minors participate that is sponsored by an entity other than a University unit and involves use of University facilities.
- Examples of programs include, but are not limited to, athletic camps, academic camps, day care or early learning programs/centers, recreational camps, individual lessons, workshops, competitions, clinics, conferences, pre-enrollment visits, University outreach programs and activities, and University units that employ minors in compliance with University policy.
- For purposes of this policy, an athletic camp owned or operated by an employee of the University's athletics department (including but not limited to an athletic camp operated by a limited liability company owned by a University coach), either on or off campus, and in which prospective student-athletes participate, shall be considered a program that is sponsored by a University unit.



Additional Information on Programs

- **As part of this policy, “Program” does NOT include:**
 - A program or activity that requires each minor to be accompanied by his/her parent or legal guardian;
 - A program or activity designed primarily for regularly enrolled University students, including credit course and community service projects organized by the University;
 - A program or activity open to the general public that is not targeted toward minors (e.g., athletic events, plays, concerts, lectures, and other special events);
 - Practicum activities, student teaching activities, or college-approved academic curriculum activities that include University student interaction with minors;
 - Orientation programs for first-year or transfer students;
 - Campus tours and visitation programs for prospective students that do not involve an overnight stay;
 - Field trips supervised by a minor participant’s school or organization and not sponsored by the University; or Patient care-related activities relating to minors.
 - *This exception does not exclude day care programs from the definition of “program.”*
- If there is any doubt whether a particular program or activity is subject to this policy, the Program Organizer shall consult with the Office of University Counsel as needed.
- This policy does **not** prohibit the employment of minors in compliance with University policy.



Procedures Review

- **Who is considered a non-student minor?**
 - A person under the age of eighteen (18), who is not enrolled or accepted for enrollment at the University.
- **When should you register your program?**
 - Programs must be registered at least 45 days in advance with ETSU Conference Services.
- **Where can Program Organizers obtain correct program contracts, participation forms, and usage agreements?**
 - Contact the D.P. Culp University Center Conference Coordinator for all applicable forms.
- **What types of Background Checks are required for program employees?**
 - All program employees must complete criminal and sex offender background checks. University students working in the program must also complete a check through ETSU Student Conduct.
- **Who is responsible for program employee training?**
 - Program Organizers are responsible for requesting online training when registering and ensuring all required participants are in compliance.
- **A good model for program behavioral expectations is...**
 - ETSU's mission, vision, and values.



Best Practice Review

- **Should you engage non-student minors outside of the program?**
 - Do not meet with non-student minors outside of established times for program activities.
 - Do not invite individual non-student minors to your home.
 - Do not communicate with non-student minors through text, email, or social media.
- **What are some key elements to remember when transporting non-student minors?**
 - Do not transport non-student minors individually, alone.
 - Do not use your personal vehicle.
 - You must be 21 years of age or older to transport non-student minors.
- **Name some prohibited items for employees within the program...**
 - Alcohol and/or Illegal Drugs
 - Weapons or Explosive Devices
 - Any Abusive Conduct
 - Sexual Activities, Comments, Jokes, or Materials
- **Who may pick up non-student minors from program activities?**
 - Parent/Guardian must provide written permission and the individual must be listed on the approved pick up list for that student.
- **When should injuries be reported and to whom?**
 - Report all injuries immediately to Program Organizer. Injuries occurring on campus properties should also be reported to Public Safety and ETSU Facilities Management.



Reporting Violations Review

- **To whom should violations of law be reported?**
 - The local police jurisdiction where the incident occurred.
 - Follow up by informing ETSU Public Safety and ETSU Student Affairs if reported off campus.
- **Violations of University policies should be reported to...**
 - ETSU Student Affairs (Online, By Email, or By Phone)
- **Who can provide guidance to Program Organizers in dealing with violations of program policies or rules?**
 - ETSU Student Affairs
- **Who is required to report instances or suspected instances of abuse or inappropriate interactions with minors?**
 - Everyone
- **Which policy governs how long documentation should be retained pertaining to violations?**
 - ETSU's Records Policy



ETSU Non-Student Minors Policy

Adopted in 2017 for implementation
January 2018

The full policy can be found online at

https://www.etsu.edu/universitycouncil/documents/resources/non_student_minors_policy_approved.pdf



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Policy Contacts

Program Registration

Conference Services

Kim Young

edwards@etsu.edu / 423-439-7103

Background Checks

Human Resources

Krista Richesin

richesin@etsu.edu / 423-439-5825

Online Training

<https://healthsafety.etsu.edu/training/list>

Law, Policy, and/or Program Rule Violations

Student Affairs – 423-439-4210

Public Safety – 423-439-4480



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