

East Tennessee State University
Non-Student Minors Policy

Policy Contacts

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Training: online at <https://healthsafety.etsu.edu/training/list>

Law, Policy, and/or Program Rule Violations: Student Affairs, 423-439-4210 and/or Public Safety, 423-439-4480

Policy 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. This includes, but is not limited to, visitors or summer campers on the campus including Upward Bound or Governor’s School participants, for example. The term “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. A “Child” as defined above shall also be considered a Non-Student Minor.

“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. When ETSU students are hosting high school students, including prospective athletes, participating in pre-enrollment visitation, the policy requirements for a background check will be waived but best practice and other guidelines will be followed. 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.

The term "Program" does not include:

1. A program or activity that requires each minor to be accompanied by his/her parent or legal guardian.
2. A program or activity designed primarily for regularly enrolled University students, including credit courses and community service projects organized by the University;
3. 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);
4. Practicum activities, student teaching activities, or college-approved academic curriculum activities that include University student interaction with minors;
5. Orientation programs for first year or transfer students;
6. Campus tours and visitation programs for prospective students that do not involve an overnight stay;
7. Field trips supervised by a minor participant's school or organization and not sponsored by the University; or
8. 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.

"Program Organizer" – The 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.

Purpose and Scope of Policy

This statement sets forth East Tennessee State University’s policy regarding Non-Student Minors who participate in 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. 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. In any case, 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.

Application of this Policy

The following requirements govern participation in Programs covered by this policy:

1. Register the Program

The Program Organizer shall register the Program through ETSU Conference Services within sufficient time (at least 45 days in advance of the Program) to meet the requirements and obligations of this policy. Ongoing programs must register on an annual basis.

Compliance

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

2. Execute Appropriate Written Contract(s)

For every Program, the parent/guardian of the Non-Student Minor shall execute a University Participation Agreement prior to the Non-Student Minor’s participation in the Program. University Participation Agreements should be initiated through the D.P. Culp University Center Conference Coordinator.

Non-University Organizations shall execute a Conference Services Agreement when using University Facilities, including but not limited to housing and dining services, for Non-Student Minors participating in a Program.

For those Programs that do not require the use of housing or dining services, Non-University Organizations shall execute a Facilities Use Agreement.

The Program Organizer may contact Conference Services for a copy(ies) of the agreement(s) appropriate for the Program.

3. Conduct Background Checks

University-sponsored Programs will be required to conduct a criminal background check on all persons, including but not limited to faculty, staff, students, and volunteers, who work with, instruct, or otherwise have substantial contact through a Program with Non-Student Minors. If a criminal record history is revealed, the Program Organizer will refer the application to Human Resources for evaluation.

Background checks must be completed and evaluated prior to the individual beginning work with Non-Student Minors. The Program Organizer will be required to conduct criminal background checks on returning individuals at least every four (4) years.

4. Require Training

In recognition of the importance of protecting Non-Student Minors, ETSU requires that all persons working in University-sponsored Programs be trained regarding policies and issues relating to interactions with Non-Student Minors. This training shall be completed annually before an individual begins working with Non-Student Minors. Training shall be documented, with the individual signing a statement indicating his/her understanding and receipt of related ETSU policies and procedures. Each Program Organizer will be responsible for requesting online training when registering the Program, and will be responsible for ensuring that all individuals working with Non-Student Minors in their Program are in compliance.

This training shall include:

- 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;
- Inappropriate behavior with Non-Student Minors;
- Other appropriate topics; and
- Reporting requirements and procedures.

5. Establish Behavioral Expectations

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. 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. If one-on-one interaction is required, meet in open, well illuminated spaces or rooms with windows observable by other individuals from the Program, unless the one-on-one interaction is expressly authorized by the Program Organizer, dean, department chair person or is being undertaken in a clinical setting and/or by a health care provider.
- Do not meet with Non-Student Minors outside of established times for Program activities. Any exceptions require written parental authorization and must include more than one Employee/Volunteer from the Program.
- Do not invite individual Non-Student Minors to your home. Any exceptions require authorization by the Program Organizer and written authorization by a parent/guardian.
- 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. Touching should generally only be in the open and in response to the Non-Student Minor's needs, for a purpose that is consistent with the Program's mission and culture, and/or for a clear educational, developmental, or health related (i.e., treatment of an injury) purpose. Any resistance from the Non-Student Minor should be respected.
- 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. If restraint is necessary to protect a non-Student Minor or other Non-Student Minors from harm, all incidents must be documented and disclosed to the Program Organizer and the Non-Student Minor's parent/guardian.

- 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.
- Possession of or use of any type of weapon or explosive device is prohibited.

How to Report Allegation(s) of Inappropriate Behavior

Any behavior deemed inappropriate or concerning by the Program Organizer should be documented in one of the following manners:

Violation of Law

Upon notification, the Program Organizer shall immediately file a police report with the local jurisdiction where the situation occurred. If the incident does not occur on campus property and the report is not made directly to ETSU Public Safety, then Public Safety and Student Affairs should be notified that a report was filed, where it was filed, and when it was filed.

Violation of University Policy

An incident report should be filed with the Division of Student Affairs if the situation does not rise to a violation of law.

File online at: https://etsu-advocate.symplcity.com/public_report/index.php/pid905232?

Program Rules

Lower level violations of Program rules should be documented and handled by the Program Organizer in accordance with Program policy and procedure. These rules are violations that do not violate University Policy nor Law. If the Program Organizer is unsure how to handle a situation, Student Affairs should be consulted. Any incident involving inappropriate behavior including but not limited to sexual contact of any sort must be reported to Student Affairs.

***Parental/Guardian Notification**

The office receiving the report, either Public Safety or Student Affairs, shall make a determination in consultation with one another, University Counsel, the Counseling Center, and others as needed to determine if, when, and how parents/guardians will be notified.

Generally, a violation or allegation that a law or university policy is violated will result in immediate notification of the parents by Public Safety and/or Student Affairs. Decisions will be made on a case by case basis given the nature of the incident.

Parental notification regarding Program rules shall be at the discretion of the Program Organizer.

Documentation

All records should be maintained following ETSU's Records Policy.

***Good Faith and Community Reporting**

Every member of the university community has an obligation to report immediately instances or suspected instances of the abuse of or inappropriate interactions with Minors to ETSU Public Safety. This includes information about suspected abuse, neglect, or inadequate care provided by a parent, guardian, or custodian/caretaker. Every member has a further obligation under Tennessee law to make a report to the director of the department of social services in the county where the Minor resides or is found.

ETSU Public Safety can assist in providing contact information for reporting to social service agencies. Members making a report in good faith will be protected from criminal and civil liability for making the report. Further, it is the policy of the university that no member making a good faith report of suspected abuse or neglect will be retaliated against in the terms and conditions of employment or educational program.

* See III. (page 8) Sexual misconduct, child abuse and neglect - REPORTING OBLIGATIONS

Process for Review/Investigation

Reports will be investigated by one or more of the following:

1. ETSU Public Safety will lead investigations of a violation of law. If the violation is alleged to occur off campus property, then Public Safety shall take the lead as liaison to the investigating parties.
2. Student Affairs will lead investigations of university policy following protocol outlined in ETSU's Institutional Disciplinary Rules.
3. Title IX investigators shall lead investigations involving sexual misconduct. This shall be in addition to a Public Safety or other police review and shall follow the guidelines outlined in University sexual misconduct policies.
4. Generally speaking, conduct processes will follow the structure outlined in ETSU's Institutional Disciplinary Rules as to procedure and complainant and respondent rights.
5. The Program Organizer shall lead any review of Program rules violation.

Approved 2017

Appendix A — ETSU Program Registration Form and Checklist

For use in University sponsored Program, or where the Program is operated by a University employee/volunteer acting within the scope of his or her employment.

This form is to be completed by all employees/volunteers who supervise Non-Student Minors or who have substantial contact with Non-Student Minors. This form is NOT to be used for third party sponsored Programs.

I. Participation Form: Each Non-Student Minor's parent/guardian must sign a Program-specific Participation Form. If you know of a Non-Student Minor who has not, please contact your Program Organizer with the name of the Non-Student Minor so that a Participation Form can be obtained. If you are given a signed Participation Form, please provide that to your Program Organizer.

II. Supervision and Behavior Expectations:

A. Every Non-Student Minor must be supervised by employees/volunteers during the Program. Supervision is defined as having the Non-Student Minors within your line of sight.

B. Generally, there should be a supervision ratio of at least one Employee/Volunteer supervisor for every 10 Non-Student Minors. Please ask your Program Organizer for proper ratios depending on the age of the Non-Student Minors and the nature of the Program activities.

C. Children should use the buddy system for restroom breaks and should check in and out with the supervisor for restroom breaks.

D. At no time may an employee/volunteer leave a Non-Student Minor unattended or in the care of a person that is not a registered employee/volunteer.

E. Employees/volunteers in overnight Programs must provide the Program Organizer with their contact numbers. One employee/volunteer must be "on call" and present at all times to ensure Non-Student Minors are secure in their rooms. Employees/volunteers in overnight Programs may not leave the premises once Non-Student Minors are secure in their rooms. Program Organizers must provide their personal contact information to all employees/volunteers.

F. Guidelines for touching Non-student Minors include the following:

1. You may not touch a minor in any place normally covered by a bathing suit unless for clear medical reasons and then only with another Employee/Volunteer's supervision.
2. You shall not use hitting or other physical punishment as discipline.

3. Exercise good common sense and judgment.

G. You may not use abusive and derogatory language, including words commonly recognized as “cuss words.”

H. You may not engage in any behavior or conduct that is contrary to the University’s mission or University policies.

III. Sexual misconduct, child abuse and neglect - REPORTING OBLIGATIONS:

A. Who is a minor? Anyone under the age of 18.

B. Mandatory Reporting: If anyone has reason to believe that any Minor (Non-Student or Student) is the victim of abuse or neglect, it is his/her duty to immediately report it. This reporting obligation is on the individual who suspects abuse.

C. The Tennessee Child Abuse Hotline for reporting is 1-877-237-0004.

D. Additionally, notify ETSU Public Safety at 423-439-4480.

E. Reasonable suspicion: One does not have to know with certainty that abuse is taking place. Reasonable cause to believe or suspect that child abuse has occurred is sufficient. When in doubt, report it.

IV. Background Checks:

A. Criminal and sex offender background checks: You agree that you are responsible for supervising Non-Student Minors or will have substantial contact with Non-Student Minors during the Program. You must have successfully passed a criminal and sexual offender background check acceptable to ETSU Human Resources within 365 days of the first day of the Program. Until a successful background check is received, you may not supervise or have any substantial contact with any Non-Student Minors.

B. Student Misconduct checks (if applicable): University students working 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. Please note this takes a minimum of five (5) business days to complete.

V. Transportation:

A. You must ensure that you follow appropriate drop-off and pick-up schedules and locations. Non-Student Minors may not be released to anyone other than the person listed on the approved list with valid authorization even if they claim to be a relative, and must show valid identification. Parents must give permission in writing for their Non-Student Minor to drive themselves or ride with another person to and from the

Program. If the Non-Student Minor is not picked up at the appropriate time, please contact ETSU Public Safety.

- B. You may not transport Non-Student Minors in a vehicle unless you are over the age of 21 and you are specifically authorized by your Program Organizer. You should avoid any situation where you would be alone in a vehicle with a Non-Student Minor.

VI. Security:

- A. Make sure you have been briefed by your Program Organizer of all security measures in place to protect Non-Student Minors (including inclement weather procedures, fire and safety evacuation procedures). At the start of each day, you must inform Non-Student Minors where to go or what to do if they need help.
- B. Injuries/Medication: Report all incidents and injuries to your Program Organizer immediately when they occur and to ETSU Public Safety if injuries occur in an ETSU facility. DO NOT wait to see if a parent or any other person complains.
- C. Hazards: You should 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 the rooms, alcohol, drugs or tobacco etc. If you notice any hazard, report it directly to the Program Organizer or facility manager.

These Guidelines are in addition to all guidelines, policies and procedures applicable to the University. If you have any questions about this document, please contact your Program Organizer.

I have read and agree to abide by these Guidelines and attest to my understanding of the Guidelines. I understand that if I am also an employee or student of the University, failure to comply with these Guidelines or other University policies could result in disciplinary action upon to and including termination.

Employee/Volunteer:

Print Name: _____

Date: _____

Signature: _____

APPROVED



Brian Noland, President

9-28-17

Date