



Policy HR004: Protection of Minors

Recommended for Approval by:

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Theresa Lugo, Chief Human Resources Officer

Approved by:

Handwritten signature of Jon Anderson in black ink.

Dr. Jon Anderson, President

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A. Intent

Pennsylvania Western University (PennWest) takes seriously its commitment to promoting a safe and welcoming environment for minors participating in programs and activities held on University property. This policy applies to University-Sponsored Programs hosted on any PennWest campus and Non-University-Sponsored Programs held on University-owned property by non-University organizations and provides guidelines and requirements for operating such programs and activities, including providers of Non-Affiliated Services, as outlined in Pennsylvania's State System of Higher Education (State System) Board of Governors' [Policy_2014-01-A: Protection of Minors](#).

B. Definition(s)*

Contract Administrator: The person(s) who has primary and direct responsibility for managing a service contract and storage of all required supporting documentation for Non-Affiliated Services. These services are not covered through Facilities Use Agreements and are not managed by Program or Registry Administrators.

Independent Contractor: An individual who provides a program, activity, or service to the University that is responsible for the care, supervision, guidance and/or control of children.

Minor/Child: A person under 18 years of age, including non-matriculated minors who have not been officially accepted and admitted into a degree program at the University but may be enrolled undergraduate/graduate students, students "dually enrolled" with the University and in elementary, middle, or high school, employees, or participants in program activities.

Non-Affiliated Services: Individuals, partnerships, companies, organizations, joint ventures or other entities that provide services which are not, directly or indirectly, provided by or controlled by the University or State System. All Non-Affiliated Services must be registered by

the Contract Administrator.

Non-University-Sponsored Programs: Programs that are operated on behalf of or under the control of the University and are not directly covered by the Commonwealth's self-insurance programs. All Non-University-Sponsored Programs must be registered by the Program Administrator and approved by the Registry Administrator.

Program Administrator: The person(s) who has primary and direct operational responsibility for managing a program and its records and providing all required supporting documentation to the Registry Administrator.

Registry: An official record or list of programs, activities, or services along with any required supporting documentation, occurring on and using University facilities that involve non-matriculated minors.

Registry Administrator: The person(s) assigned by the University who has primary and direct operational responsibility for managing a registry and ensuring the Program Administrator has provided and certified all required supporting documentation.

University-Sponsored Programs: Programs that are directly managed by University faculty, staff, and affiliated entities on behalf of the University and are covered by the Commonwealth's self-insurance programs. All University Sponsored Programs must be registered by the Program Administrator and approved by the Registry Administrator.

**See PennWest Protection of Minors Policy Handbook for complete list of associated definitions.*

C. Policy

Consistent with all guidelines and requirements pursuant to the State System Board of Governors' [Policy 2014-01-A: Protection of Minors](#), the University locally establishes policies and procedures within the PennWest Protection of Minors Policy Handbook, to address the following requirements:

1. Authorized Adults and Program Registration

PennWest is responsible for establishing and maintaining a registry of University authorized adults and program staff for all programs involving minors. All programs must be registered within sufficient time to meet the requirements of this policy, and policy requirements as outlined in accordance with State System Procedures and Standards for University Operations: [Procedure/Standard Number 2015-21: Background Clearances and Reporting Requirements](#). Programs must be registered annually.

2. Program Registration Requirements

The following topics are addressed in the Policy Handbook for planning and evaluating registered programs:

- a. Identification, selection, and screening of authorized adults or program staff, including criminal background checks.
- b. Training for authorized adults or program staff.
- c. Supervision ratio.
- d. Safety and security planning.
- e. Participation requirement forms.
- f. Transportation.
- g. Housing.
- h. Response protocols when there is an injury or illness.

- i. Response protocols when an authorized adult or program staff is accused of misconduct.
- j. Response protocols when a participant is accused of misconduct.
- k. Program orientation or information for minors and parents.
- l. Insurance requirements.
- m. Record retention.

3. Authorized Adults or Program Staff Code of Conduct

Authorized adults or program staff should be positive role models for minors and act in a responsible manner that is consistent with the mission of the State System and University. Authorized adults or program staff are required to comply with all applicable laws and State System Board of Governors' and University policies. Authorized adults or program staff working in programs covered by this policy must follow these expectations.

- a. Do not engage in any sexual activity, make sexual comments, tell sexual jokes, or share sexually explicit material with minors or assist in any way to provide access to such material to minors.
- b. Do not engage or allow minors to engage you in romantic or sexual conversations or related matters. Similarly, do not treat minors as confidantes; refrain from sharing sensitive personal information about yourself. Examples of sensitive personal information that should not be shared with minors are information about financial challenges, workplace challenges, drug or alcohol use, and romantic relationships.
- c. Do not touch minors in a manner that a reasonable person could interpret as inappropriate. All personal contact should generally only be in the open, and in response to the minor's needs, for a purpose that is consistent with the program's mission and culture, or for a clear educational, developmental, or health-related purpose (e.g., treatment of an injury). Any refusal or resistance from the minor should be respected.
- d. Do not use harassing language that would violate State System Board of Governors' Policy 2009-03 or University Non-Discrimination Policy.
- e. Do not be alone with a minor. If one-on-one contact is required, meet in open, well-illuminated spaces or rooms with windows observable by other authorized adults or program staff, unless the one-on-one contact is expressly authorized by the program administrator or is being undertaken for medical care.
- f. Do not meet with minors outside of established times for program activities. Any exceptions require written parental authorization and must include more than one authorized adult or program staff.
- g. Do not invite individual minors to your home or other private locations. Any exceptions require authorization by the program administrator and written authorization by a parent/guardian.
- h. Do not provide gifts to minors or their families independent of items provided by the program.
- i. Do not engage or communicate with minors except for an educational or programmatic purpose; the content of the communication must be consistent with the mission of the program and the University.
- j. Do not engage in any abusive conduct of any kind toward, or in the presence of, a minor, including, but not limited to, verbal abuse, striking, hitting, punching, poking, spanking, or restraining. If restraint is necessary to protect a minor or other minors

from harm, all incidents must be documented and disclosed to the program administrator and the minor's parent/guardian.

- k. Do not use, possess, or be under the influence of alcohol or illegal drugs while on duty, or in the presence of minors involved in a program, or when responsible for a minor's welfare.
- l. Do not provide alcohol or illegal substances to a minor.
- m. Do not provide medication to a minor unless authorized by the program's medication management guidelines.
- n. When transporting minors, more than one authorized adult or program staff from the program must be present in the vehicle, except when multiple minors will be in the vehicle at all times through the transportation. Avoid using personal vehicles if possible and comply with the program's transportation guidelines.

Violations of any of the foregoing shall be reported to the program administrator.

4. Criminal Background Screening

All employees and volunteers are required to have criminal background screening clearances in accordance with applicable procedures, standards, and guidelines as established by the chancellor.

Before being allowed to use or lease University facilities, program administrators and/or independent contractors of Non-University-Sponsored Programs or non-University groups and/or independent contractors providing services to University-Sponsored Programs are required to certify that they have conducted criminal background checks and determined the fitness of all authorized adults and program staff.

5. Participant Requirements

Minors and parents or legal guardians of minors must submit required forms before minors will be allowed to participate. These forms may include, but are not limited to, a participation agreement, health form, emergency contact form, proof of medical insurance, photo and recording release, and participant code of conduct.

6. Training

All authorized adults or program staff working with minors are required to be trained on policies and issues related to minor safety and security. The training will be offered and completed when needed and may vary based on the role of the authorized adult.

Documentation of training completion is required to be maintained by the program administrator. Program administrators of Non-University-Sponsored Programs or non-University groups providing services to University-Sponsored Programs and all Non-Affiliated Services are required to certify that they have satisfactorily completed required training before being allowed to use University facilities. Training will include topics such as:

- a. Detecting and reporting child abuse
- b. First aid/CPR and medication management.
- c. Participant conduct management and disciplinary procedures.
- d. Authorized adult or program staff code of conduct.
- e. Sexual and other unlawful harassment.
- f. Safety and security protocols.
- g. Crime reporting procedures.

7. Reporting Obligations

a. Reporting of Child Abuse

In a situation of suspected child abuse, all State System administrators, faculty, coaches, staff, student workers, independent contractors, and volunteers are mandated reporters under this policy. Everyone who is deemed a mandated reporter pursuant to this policy shall be trained as if designated a mandated reporter by

Pennsylvania law. All mandated reporters shall make an immediate report of suspected child abuse or cause a report to be made if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

1. The mandated reporter comes into contact with the child in the course of employment, occupation, and practice of a profession or through a regularly scheduled program, activity, or service.
2. The mandated reporter is directly responsible for the care, supervision, guidance, or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance, or training of the child.
3. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
4. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

The minor is not required to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse. The mandated reporter does not need to determine the identity of the person responsible for the child abuse to make a report of suspected child abuse.

Mandated reporters must immediately make an oral report of suspected child abuse to the Department of Human Services (DHS) by calling 1-800-932-0313, or a written report to DHS using electronic technologies when available. If an oral report is made, a written report shall also be made within 48 hours to DHS or the county agency assigned to the case as prescribed by DHS.

Immediately following the report to DHS, the mandated reporter must notify the designated person in charge at the University who will assume responsibility for facilitating the University's cooperation with the investigation of the report. More than one report of the suspected child abuse is not required.

b. Reporting of Arrests and Convictions

All employees, volunteers, and program administrators and contract administrators for Non-Affiliated Services must provide written notice to the designated person in charge at the University if they or an authorized adult or program staff are: (1) arrested for, or convicted of, an offense that would constitute grounds for denial of employment or participation in a program, activity, or service; or (2) are named as a perpetrator in a founded or indicated report under the Child Protective Services Law (23 Pa.C.S. §6301, et seq.). The employee, volunteer, or program administrator shall provide such written notice within 72 hours of arrest, conviction, or notification that the person has been listed as a perpetrator in the statewide database. The failure of an employee or program

administrator to make a written notification, as required, is a misdemeanor of the third degree.

If the employer, program administrator, or contract administrator has a reasonable belief that an employee or volunteer has been arrested or convicted of a reportable offense or was named as perpetrator in a founded or indicated report under the Child Protective Services Law, or if an employee or volunteer has provided notice of activity that would be sufficient to deny employment or program participation, the employer must immediately require the employee or volunteer to immediately submit current information for required criminal background screening clearances in accordance with applicable procedures, standards, and guidelines as established by the chancellor.

8. Facilities Use Agreements

Licensing, leasing, or allowing the use of University facilities for Non-University- Sponsored Programs or events primarily serving minors are required to include language in the agreement requiring identification of authorized adults or program staff, supervision ratios, adult code of conduct, training, and background screening consistent with this policy.

D. Procedure(s)

See refer to the PennWest Protection of Minors Policy Handbook for procedures and requirements applicable.

E. Related policies

- State System Board of Governors’ [Policy 2014-01-A: Protection of Minors](#)
- State System Procedures and Standards for University Operations: [Procedure/Standard Number 2015-21: Background Clearances and Reporting Requirements](#)
- State System Board of Governors’ [Policy 2009-03: Non-Discrimination Policy](#)
- PennWest Policy FA024: Record Retention

F. Contact Information

Office of Compliance and Title IX

Edinboro Campus	Clarion Campus	California Campus
Andrew Matt amatt@pennwest.edu 213 Reeder Hall	Amy Salsgiver asalsgiver@pennwest.edu 423 Becht Hall	Amy Salsgiver asalsgiver@pennwest.edu 423 Becht Hall

University Police

Edinboro Campus	Clarion Campus	California Campus
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PennWest Edinboro Police 911 Scotland Road Edinboro, PA 16444 814-732-2921	PennWest Clarion Police 945 Wood Street Clarion, PA 16214 814-393-2111	PennWest California Police 420 Hickory Street Building B California, PA 15419 724-392-5704
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G. Policy Review Schedule

All policies will be reviewed every two years or on an as needed basis if a change in Board of Governors, PASSHE or Pennsylvania law would create the need for an immediate change.