

03.010 - Minors on Campus - Operational Guidelines

A. Implementation

1. All activities and programs with minors also known as covered programs must, at a minimum, comply with the standards set forth in these Operational Guidelines established pursuant to Ohio University Policy 03.010 (the “policy”) (collectively the policy and the Operational Guidelines are the “minimum requirements”) prior to the commencement of the covered program. See the policy for definitions to the terms used herein.
2. Program administrators are responsible for ensuring compliance with the following:
 - a. Staffing.
 - i. A program administrator will be responsible for overseeing the selection of staff for the program administrator’s covered program.
 - ii. The program administrator must be a university employee that is not a student employee (undergraduate or graduate).
 - iii. All authorized adults for covered programs are subject to the supervision ratios (see section F below).
 - iv. The program administrator will assign authorized adults to be accessible to participants at all times during the covered program. Staffing assignments for the program should be made to ensure one-on-one contact between authorized adults and minors does not occur and that appropriate levels of supervision (see section F.1. below) are implemented at all times.
 - v. No one is permitted to have care, custody or control of a minor if they have not complied with the background check, National Sex Offender Registry check, and training requirements herein.

B. Background Checks

1. The steps to obtain a background check at the university are on the [Minors on Campus](#) web page. Background checks must be conducted on all authorized adults working with any covered programs as follows:
 - a. The Unit’s program administrator will ensure that all authorized adults working with a covered program who are likely to have responsibility for the **care, custody, or control** of a minor as part of the covered program, must have a BCI background check completed within four (4) years preceding the commencement of the covered program.
 - i. For individuals required to be background checked who have not lived in Ohio for five (5) consecutive years, the Unit will ensure they obtain both a BCI and FBI background check prior to the commencement of the covered program.

- ii. A third-party vendor background check, including those required at the time of hire for university employees, is insufficient for individuals requiring a background check as described above.
2. For covered programs delivered only in a virtual format, any authorized adults must have a National Sex Offender Registry check completed before the covered program begins and on an annual basis thereafter. A BCI background check is not required for virtual delivery because minors will be in the care, custody and control of a parent, teacher or legal guardian and not an authorized adult.
3. Individuals required to be background checked that have a break in service or enrollment for less than 12 months must disclose on the human resources "[Arrest or Conviction Self-Disclosure Form](#)" any arrests or convictions that occurred during the break prior to rehire. If a break in service is longer than 12 months, the Unit's program administrator will ensure individuals required to be background checked have a new background check, as required by paragraphs 1 and 2 above, before working with a covered program.
4. All authorized adults must be checked against the National Sex Offender Registry annually. The program administrator, or designee, may do this at the [National Sex Offender Public Website](#) or University Human Resources will perform the checks for a fee for faculty and program staff.
5. A background check, as required by paragraphs 1 and 2 above, must be completed every four (4) years to remain eligible to work in covered programs. A new BCI background check must be completed if the prior one will expire during a covered program.
6. All individuals required to be background checked must accurately disclose on the University Human Resources "[Arrest or Conviction Self-Disclosure Form](#)" any and all criminal arrests and convictions that occur after hire or after being accepted as a volunteer within three (3) days of the arrest or conviction. Failure of an individual to disclose in accordance with this section will be grounds for discipline up to and including termination.
7. Units and/or program administrators will ensure background checks are completed and reviewed by Enterprise Risk Management and Insurance before any individual required to be background checked can be hired or otherwise selected by the Unit. This review must take place at least two (2) weeks prior to the commencement of the covered program and will be tracked using the [Staff/Volunteer Tracking Form](#). Individuals required to be background checked who have not been cleared by Enterprise Risk Management and Insurance will not be permitted to participate in covered programs.

8. All individuals required to be background checked who do not have a satisfactory BCI or FBI background check or have pending charges for a sex-related offense or crime against a minor, or who appear on the National Sex Offender Registry will not be permitted to participate in any covered programs in any capacity.
9. If the university denies an individual required to be background checked a position based on BCI or FBI check results or the individual's name appearing on the National Sex Offender Registry, the program administrator in collaboration with Enterprise Risk Management and Insurance, University Human Resources and Employee and Labor Relations will follow proper protocols and laws to provide notice to the subject of the background check.
10. If a criminal background check reveals adverse information or unfavorable results, University Human Resources and Employee and Labor Relations will conduct an individualized assessment using criteria designed to identify potential risk to minors. A prior conviction which is not for a sex-related offense or crime of abuse against a minor will not automatically disqualify a person from participating in a covered program. Except where required by law, criminal background checks of university faculty, staff and students that are conducted pursuant to the policy will be used only for purposes consistent with the policy and will otherwise be kept confidential. Records of background checks will be maintained separately from an individual's personnel or student file by Enterprise Risk Management and Insurance.

C. Training

1. Units are responsible for ensuring all authorized adults of covered programs delivered in person and virtually must complete university approved training courses annually and provide the certificate(s) of the course completion to their program administrator before they work with a covered program. Training requirements may be satisfied by programs such as Ohio University Kids on Campus programs which receive training under a current ODJFS (Ohio Department of Job and Family Services) license. Trainings may also be provided to a broader category of individuals as long as attendance is verified and tracked by the program administrator and proof is provided to Enterprise Risk Management & Insurance. Trainings are to cover at a minimum:
 - a. Identifying, preventing and reporting child abuse and sexual misconduct. Candidates may [register for training](#) on the Minors on Campus web page.
 - b. Program Staff Code of Conduct;
 - c. All requirements in these operational guidelines and policy 03.010.
2. In addition, Units are responsible for ensuring all authorized adults who will make hiring decisions for program staff must complete additional training. Use this link to [register for training if you are part of the hiring staff](#).

3. If a Unit is hosting a virtual covered program, the person(s) responsible for establishing the program platform must comply with [OIT requirements](#) and establish an accommodation process for virtual participants.
4. Records of such trainings must be kept consistent with the Unit's record keeping and the university's [records retention schedule](#).

D. Program Registration

1. Units and/or program administrators operating covered programs must register each covered program annually.
 - a. Register the covered program with the Office of Legal Affairs and Enterprise Risk Management and Insurance by completing a [Program Registration](#) form which may be found on the Minors on Campus web page no later than sixty (60) days prior to the program start date. Failure to properly register a covered program may result in delay or cancellation of the program by the university.
 - b. Register all authorized adults working directly with minors with Enterprise Risk Management and Insurance by completing and submitting the [Staff/Volunteer Tracking Form](#).
 - c. Maintain an emergency contact list for all covered programs' minor participants and staff members including name and emergency contact information at least two (2) weeks prior to the commencement of a program.

E. Participant Registration.

1. Program administrators are required to ensure that all covered programs have the correct documentation appropriately completed by a parent/legal guardian prior to the commencement of the program.
2. The applicable forms on the [Minors on Campus](#) web page or Legal Affairs approved electronic forms must be used for all covered programs.
3. Program administrators must review the Participant's Medical Information forms prior to the covered program to prepare to properly meet the needs of participants including accommodations in accordance with the Americans with Disabilities Act.

F. Supervision Ratios.

1. For on or off campus covered programs, the staff-to-minor ratio will meet or exceed the following:

AGE OF MINOR	STAFF-TO-MINOR RATIO
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	Overnight Program/Activity	Daytime Program/Activity
5 or younger	1:5	1:6
6-8 years	1:6	1:8
9-14 years	1:8	1:10
15-18 years	1:10	1:12

G. Administration of Medications.

1. Minors who are currently receiving prescription medications may receive these medications while participating in covered programs, subject to the following conditions:
 - a. The need for the medication is documented in the minor’s Authorization for Medication Administration.
 - b. The medicine is not expired and provided by the minor’s parent or legal guardian in its original pharmacy container labeled with the participant’s name, medicine name, dosage and timing of consumption. Over-the-counter medications must be provided in the manufacturer’s container.
 - c. Staff shall keep the medicine in a secure location, and at the appropriate time for distribution shall meet with the participant.
 - d. While under staff observation, the minor participant shall be allowed to self-administer the appropriate dose as shown on the container.
 - e. For any medication that the participant cannot self-administer, prior arrangements appropriate to the circumstances must be made with the Sponsoring Unit.
 - f. Emergency medicine such as personal “epi” pens and inhalers may be carried by the participant during activities.

2. Program administrators, or designee, must review each Participant's Authorization for Medication Administration form to ensure that the program administrator and all applicable program staff understand physician instructions for all medications that will be brought to a covered program, that there is a plan to properly collect and store medications, that there is a plan to properly administer medications, and that the participant has any emergency medications in the appropriate location.

H. Retention of Records.

1. All records collected during the administration of each covered program (including, but not limited to: application forms, background checks, releases, medical forms, and training certificates) will be kept in accordance with established university record retention schedules. The Unit under which the program administrator serves shares equal responsibility with the program administrator for the retention of records. See the [Minors on Campus](#) web page for the [records retention](#) instructions for properly storing and retaining covered program records.

I. Residential.

1. Covered programs involving overnight stays in university facilities and university contracted for facilities must adopt and implement rules and policies for the proper supervision of minors in university housing. These policies must include, at a minimum:
 - a. Written permission signed by the parent/legal guardian for the minor to reside in University housing.
 - b. A curfew time which is age-appropriate for the participants, but in no case shall it be later than 11:00 p.m.
 - c. Whenever there is in-room visitation, the door to the room is required to stay open and visitors and hosts are required to remain visible in their room to the hallway.
 - d. Guests of participants (other than a parent/legal guardian and other program participants) are restricted to visitation in the building lobby and/or floor lounges, and only during approved hours specified by the covered program with appropriate supervision by authorized adults.
 - e. The covered program must comply with all security measures and procedures specified by university Conference and Event Services, Housing and Residence Life and OUPD.
 - f. Pre-enrollment visit programs for high school students housed overnight in residence halls must be registered with Housing and Residence Life.
 - g. No adult may enter a minor's room, bathroom facility, or similar area unless accompanied by another authorized adult.

- h. Separate accommodations and facilities are to be provided for adults and minors other than the minors' parent(s) or legal guardian(s).

J. Other Requirements.

1. Covered programs will utilize the buddy system (operating in pairs) in all activities whenever possible.
2. Covered programs will communicate to the parents or legal guardians two weeks prior to the program on what mode(s) of emergency communication will be used.
3. Every program administrator and staff member must have a roster with the program administrator/staff member at all times that contains each participant's name and emergency contact information.
4. Each covered program must establish a procedure for checking minor participants in and out of the program. Minor participants may not be allowed to leave the program except in the company of a parent/legal guardian, someone authorized in writing by a parent/legal guardian, or to walk/bike ride home as authorized in writing by a parent/legal guardian. The program administrator or designee must check the attendance at least once during each day of the program and have a procedure in place for locating missing participants and reporting missing participants to OUPD (740-593-1911 or 911) or local law enforcement and the parents(s) or legal guardian(s).
5. If there is an incident or injury involving non-employees (program participants, visitors to campus, or students), a [Non-Employee Incident Report](#) must be filled out by an Ohio University employee and submitted to insurance@ohio.edu.

K. Non-University Entities.

1. While a third-party hosted program is not an "activity or program with minors" or a "covered program" under the policy, any program designed to include minors operated by non-university entities on university campuses or using university facilities must meet or exceed the minimum requirements.
2. All contracts for the use of university property or facilities by non-university entities for programs designed to include minors will reference the policy and include compliance which meets or exceeds the minimum requirements set forth in the policy as a term of the contract. When appropriate, such contracts will also include an indemnification provision such as: "Contractor will at all times pursuant to the contract indemnify, defend and hold the state of Ohio, Ohio University, its trustees, officers, employees, affiliates, agents, volunteers, and students harmless against all claims, proceedings, demands and liabilities of any kind whatsoever, including legal expenses and attorneys' fees, resulting from the acts or omissions of Contractor, its governing board, officers, agents, employees, invitees, or its program participants."

Further, such contracts will require adequate limits of insurance and such insurance will not exclude coverage for sexual abuse and molestation unless, in the sole discretion of the university, evidence of equivalent coverage exists. Verification of compliance with the policy will be made available to the university upon request.

3. When a university Unit reserves space for a non-university entity to use a university facility(ies) or property, the non-university entity is still required to enter into a contract with the university and to meet or exceed the minimum requirements. It is the university Unit's responsibility to ensure adherence to the minimum requirements.
4. Participants (or a parent or legal guardian as appropriate) of a third-party program must sign a document that releases the university, its trustees, officers, employees, affiliates, agents, volunteers, and students from any liability. The third-party either has to send their form to the university for prior approval or modification or have a second separate university release signed by each participant (or a parent or legal guardian as appropriate) and submit them all to the university prior to its program commencing.

L. Exemption Process

1. If a Unit leader or their respective designee(s) of an activity or program with minors deems that a section of this policy would place an undue hardship on an activity or program with minors, an exemption can be requested by the Unit leader or their respective designee(s) by submitting an Exemption Request form.
2. Absent extenuating circumstances, an Exemption Request form must be submitted to the Director of Enterprise Risk Management and Insurance no later than eight weeks prior to the event taking place and will be reviewed by Risk Management and Legal Affairs. Approval or denial will be communicated at least four weeks prior to the event. If an expedited process is required because of an extenuating circumstance, contact the Office of Risk Management and Insurance immediately.

M. One-on-One Contact

- a. One-on-one interactions are prohibited unless authorized by the Unit leader or their respective designee(s). Approved one-on-one interactions may only take place in open, well-illuminated spaces or rooms observable by other adults from the activity or program with minors.
- b. If the Unit leader or their respective designee(s) determines that meeting in the manner specified above is not practical and approves other arrangements, an Exemption Request form can be submitted following the exemption process outlined in section F.

N. Reporting

- a. Any authorized adult who in the course of their duties witnesses child abuse or neglect or knows or has reasonable cause to know that a minor has suffered or faces

a substantial threat of child abuse or neglect must immediately report such knowledge as follows:

- a. Call 911 (minor in imminent danger) or Athens County Children Services Agency or the County Children Services Agency in which the Covered Program is located (minor not in imminent danger); and
 - b. Call Ohio University Police Department at 740-593-1911 or the police department in which the Covered Program is located. The university police or police department in which the Covered Program is located will then notify other departments and individuals as appropriate; and
 - c. Complete and submit a [Submit a Sexual Misconduct, Relationship Violence, and Stalking Incident Report](#) to University Equity and Civil Rights Compliance. This should be done in addition to making the above described calls. Submission of the incident report is not substitution for reporting to the police or children services.
- b. Any authorized adult who is suspected or alleged to have engaged in abuse will be immediately suspended from participation with the covered program without exception.

O. Accountability

1. Individuals violating this policy will be held accountable for their actions. Such accountability may include but is not limited to:
 - a. Volunteers and appointees are subject to reprimand or loss of volunteer status;
 - b. Students are subject to the Code of Student Conduct;
 - c. Staff, student employees, and graduate associates are subject to corrective action up to and including termination; and
 - d. Faculty are subject to the Faculty Handbook's Policy on Sexual Misconduct, Relationship Violence and Stalking at II., Q., 3., are responsible for compliance with 03.004 in the Policy and Procedures Manual and have an affirmative duty to report conduct inconsistent with this policy. A finding that a faculty member failed to report child abuse or neglect or otherwise violated this policy may constitute gross incompetence or grave misconduct under the Faculty Handbook at II., Q., 3., and the Policy and Procedures Manual at 03.004.
2. Enterprise Risk Management and Insurance has oversight of the accountability as it relates to this policy and operational guidelines. Enterprise Risk Management and Insurance can refer matters to other university offices as appropriate.

- c. Enterprise Risk Management and Insurance may deny or remove (pending appropriate corrective action) the ability of any individual covered under these guidelines to volunteer or work with covered programs at any time. This is to be applied in conjunction with other applicable university policies and standards.
- d. Investigations of allegations of child abuse or neglect will be conducted in accordance with the investigatory protocols of children service agencies, local law enforcement agencies, and/or the university.
- e. Units and individuals must participate in onsite or virtual visits as required.
- f. Enterprise Risk Management and Insurance retains authority to cancel a covered program for non-compliance with this policy.

Responsibilities

Position/Office	Responsibilities
Units/Program Administrators	<ul style="list-style-type: none"> 1. Establish record keeping systems as required by this policy and guidelines with activity and program leadership. 2. Register all covered programs with the Office of Legal Affairs and Enterprise Risk Management and Insurance by completing a Program Registration form. 3. Ensure background checks are conducted in compliance with this policy and the University Human Resources Arrest or Conviction Self-Disclosure Form. 4. Ensure required annual training for all authorized adults are completed. 5. Enforce Standards of Behavior for authorized adults who work with minors in the settings covered by this policy. 6. Supervise authorized adults and minor participant behavior. 7. Report to and assist investigating agencies in any allegations of abuse.
Authorized Adults	<ul style="list-style-type: none"> 1. Report any instances when child abuse or neglect has been witnessed or if there is information that a minor faces a substantial threat of child abuse or neglect as required by this policy. 2. Complete an Incident Report as required by this policy. 3. Consent to the background check. 4. Complete the required training. 5. Review and adhere to Program Staff Code of Conduct as required by these guidelines. 6. Self-disclose criminal convictions in accordance with this policy and

the University Human Resources [Arrest or Conviction Self-Disclosure Form](#).

7. Comply fully with site visits and investigations.

Enterprise Risk Management
and Insurance

1. Maintain the registration system and coordinate with the Office of Legal Affairs on the approval process for covered programs.
2. Review background checks and collaborate with Units on providing appropriate legal notice to the subjects of the background checks.
3. Provide and approve training material.
4. Consult with the Office of Legal Affairs and Office of Equity and Civil Rights Compliance regarding reporting and provide other support as needed.

Office of Equity and
Civil Rights Compliance

1. Receive and process reports as they relate to this policy.
2. Coordinate and conduct investigations of allegations of child abuse or neglect as needed.
3. In collaboration with Enterprise Risk Management and Insurance, review background checks and deny or remove the ability of an individual to volunteer or work in covered programs, as needed.

University Police

Notify the Office of Equity and Civil Rights Compliance of suspected abuse or neglect.