

BOARD OF REGENTS
EASTERN MICHIGAN UNIVERSITY

SECTION: **C**

DATE:

August 30, 2018

RECOMMENDATION

APPROVAL OF NEW BOARD POLICY 9.7

ACTION REQUESTED

It is recommended that the Board of Regents of Eastern Michigan University approve the attached new Board Policy 9.7 (Minors on Campus Policy).

STAFF SUMMARY

All University policies must be approved by The Board of Regents of Eastern Michigan University. A University policy is defined by all of the following: a) has broad application throughout the University; and b) helps to ensure compliance with applicable laws and regulations, promotes operational efficiencies, enhances the university's mission or reduces institutional risks.

Pursuant to 2018 PA 265, the FY 2018-19 Education Omnibus Appropriation Act (the "Act"), all universities must have a "campus safety information and resources" section on their websites that includes certain items. One required item is information related to a university's policies applicable to minors on university property. The University currently has no such policy. The attached new Board Policy 9.7 (Minors on Campus Policy) provides a comprehensive University policy applicable to minors on campus. The University's administration, through its Minors on Campus Policy committee, has also created a new Minors on Campus administrative procedure in order to implement the new Board Policy 9.7. A copy of the Minors on Campus administrative policy is attached for informational purposes.

FISCAL IMPLICATIONS

Engage @ EMU has voluntarily, and in the view of the Minors on Campus Policy committee, correctly, identified itself as the University office best positioned to house the two University-wide, labor-intensive administrative tasks required under the new Minors on Campus administrative policy. That is, the new Minors on Campus policy requires (1) registration of programs involving minors and (2) training of program administrators and staff on the requirements of the Minors on Campus Policy. Engage @ EMU has identified the need for resources for a full-time Graduate Assistant and for a student worker as needed in order to effectively administer these two tasks. The administration will work with Engage @ EMU to determine an appropriate and fiscally responsible allocation of resources in order to successfully implement the Minors on Campus policy.

Eastern Michigan University
Minors on Campus Administrative Policy

University Policy Statement

It is the policy of Eastern Michigan University that all existing and future University programs and activities involving minors must be developed and administered to provide a safe and protective environment for participating minors.

Purpose of Policy

The purpose of this policy is to provide for the safety and well-being of all minors participating in University-sponsored activities or programs (Program) or who participate in programs held on University property, and to promote a safe, ethical, and protective environment for all minors entrusted to the University's care, custody, and control.

This Policy sets forth the ways in which University Programs should interact with minors, mandatory training, and mandatory background checks for those EMU employees, students, and volunteers who come in direct contact with minors in these Programs. Such training includes training on mandatory or permissible child abuse reporting.

Scope of Policy

This Policy applies to all members of the University community who may work or interact with individuals under 18 years of age who are participating in Programs, regardless of whether such interaction occurs on or off campus.

Key Definitions

- "Authorized Adult" or "Program Staff" mean individuals, paid or unpaid, who interact with, treat, supervise, chaperone, or otherwise oversee Minors in Program activities. This includes but is not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, and independent contractors/consultants. The Authorized Adult or Program Staff roles may include counselors, chaperones, coaches, instructors, health care providers, etc. This definition does not include temporary guest speakers, presenters, or other individuals who have no direct contact with Program participants other than short-term activities supervised by Program Staff.
- "Mandated Reporter" means an individual who is required to report under the Michigan Child Protect Law pursuant to MCL 722.623. Such individuals include any person in a "professional" role concerning a Minor, which includes, but is not limited to the following:
 - a physician;
 - a physician assistant;
 - a nurse;
 - a person licensed to provide emergency medical care;
 - an audiologist;
 - a psychologist;
 - a counselor;

- a social worker;
 - a school administrator;
 - a teacher;
 - a law enforcement officer; and
 - a child care provider.
- “Minor” means a person under 18 years of age who is not enrolled or accepted for enrollment in a degree program at the University. Students who are “dually enrolled” in University programs while also enrolled in elementary, middle, or high school, including those students who participate in the Early College Alliance, do not fall within the definition of “Minor” for purposes of this policy unless such enrollment includes a residential component in University housing.
 - “One-on-One Interaction” means personal, unsupervised interaction between any Authorized Adult or Program Staff and a participant without at least one other Authorized Adult or Program Staff, participant, parent or legal guardian being present.
 - “Participant” means a Minor who may participate in a Program.
 - “Program” means both University-Sponsored Programs and Non-University Sponsored Programs Using University Facilities. Programs may include, but are not limited to, workshops, services, camps, conferences, campus visits, or similar activities on or off campus.
 - “University-Sponsored Programs” means programs or activities in which Minors participate and during which the parents, legal guardians or Minor’s school are not responsible for the care, custody or control of their Minor that are either (a) directly managed by University faculty or staff on behalf of the University or (b) directly managed by student organizations registered with the University that take place on campus. All University- Sponsored Programs must be registered with the University. This term does not include off-campus programs or activities in which one may engage with Minors that are unrelated to one’s status as a member of the University’s faculty, staff, or student body.
 - “Non-University Sponsored Programs Using University Facilities” means programs or activities in which Minors participate that are not University-Sponsored Programs but that use University Facilities. This does not include private, personal events (e.g., birthday parties, weddings), or events open to the general public, for which the user has a separate, signed agreement with the University to use University Facilities.
 - “Program Administrator” means the person(s) who has primary and direct operational responsibility for managing a Program.
 - “Public Space” means areas on campus that are open to the public and which anyone may enter or use without the University’s control, knowledge, or consent.
 - “University Facilities” means facilities owned by or under the control of the University, including housing owned by or under the control of the University.

Parent and Minor Participant Requirements

Minors and their parents or legal guardians must complete and submit all forms a Program requires before participating in the Program. These forms may include but are not limited to a participation agreement, health form, emergency contact form, consent and liability release, photo and recording release, and participant code of conduct.

Programs should develop and inform Participants and their parent(s) or legal guardian(s) as to the rules and disciplinary measures applicable to the Program. The following must be included in each Program's specific rules:

- Participants should not leave University-owned and/or controlled property unattended during the Program.
- Programs may not inappropriately use cameras, video recorders, or any type of recording device. No use of any type of recording device will be allowed in showers, locker rooms, rest rooms, residence halls, or other areas where participants may reasonably expect privacy.

Program Requirements

Registration of University-Sponsored Programs. The University's Engage @ EMU Office will maintain a registry of University-Sponsored Programs. All University-Sponsored Programs must register within sufficient time to meet the requirements of this Policy, but no later than 60 days before the Program start date. University-Sponsored Programs must update their registration annually. University-Sponsored Programs can register through Engage @ EMU's Registration form.

Compliance of Non-University-Sponsored Programs Using University Facilities. Any contract with a Non-University-Sponsored Program Using University Facilities to operate on campus must require the sponsoring entity to comply with this Policy and demonstrate that it has conducted the required screening and training prior to commencing services.

Planning and evaluation requirements. Program Administrators are required to address the following topics in the planning and evaluation of Programs:

- Selection and screening of Authorized Adult or Program Staff, including criminal background checks;
- Training for Authorized Adult or Program Staff;
- Supervision ratio;
- Safety and security planning;
- Participation forms;
- Transportation;
- Housing;
- Minors with disabilities;
- Program evaluation by faculty/staff, participants, and parents;
- Risk management plan to minimize risk of harm, injury, or loss;

- Response protocols when there is an injury or illness;
- Response protocols when an Authorized Adult or Program Staff is accused of misconduct;
- Response protocols when a participant is accused of misconduct;
- Program orientation or information for Minors and parents;
- Insurance requirements;
- Record retention policies.

Ensure adequate supervision of Minors. Program Staff must ensure adequate supervision of Minors in Programs at all times. Every effort will be made to ensure that no Minor is left alone with any adult (except for their parent or legal guardian) in a One-on-One Interaction unless it is required for the proper functioning of the Program. In such cases, the Minor's parent or legal guardian must remain in close proximity or consent to the interaction.

Below are guidelines for supervision ratios based on the type of program and are recommendations only. Programs should adjust the ratio of adult-to-students based on the age and behavior level of the participating Minors.

- Minors on campus with parent, legal guardian, or other adult supervision (e.g., classroom teacher): no special supervision is necessary beyond Program Staff;
- Minors on campus in day Programs (without parent or legal guardian): recommended to keep a ratio of at least one teacher/staff for every 15 students;
- Minors on campus in overnight Programs: in addition to day Program requirements, Programs must consult with Conference and Event Services to ensure conformance with security and chaperone policies for University Facilities.

Emergency preparedness. Each Program must develop and document a plan or process for the notification of the Minor's parent or legal guardian in case of an emergency, which may include medical or behavioral problems, natural disasters, or other significant program disruptions.

Transportation of Minors. Programs that transport Minors must comply with the following requirements:

- Minors may not operate a University-owned and/or controlled motor vehicle while they are attending and participating in the Program.
- An Authorized Adult or Program Staff who transport Minors must have undergone and passed a Michigan driver records check within the last twelve months.
- If Programs must use private vehicles for transporting Minors, Program must notify Engage @ EMU to determine any additional requirements.
- If Program Staff are transporting Minors, more than one adult or more than one Minor must be present in the vehicle for the duration of the transportation.

Criminal background screening. Prior to working with Minors, all Authorized Adults or Program Staff must submit to an initial criminal background screening which will be administered and evaluated by the Program Administrator or the Program Administrator's designee. All criminal background screening results shall be administered and evaluated consistent with this Policy and applicable University Human Resources guidelines. All Authorized Adult or Program Staff must complete and pass a criminal background screening every three years. Before using or leasing University Facilities, Program

Administrators of Non-University-Sponsored Programs Using University Facilities must certify that they have (a) conducted criminal background checks of their personnel, including any volunteers, in accordance with this Policy and (b) determined that all Authorized Adults and Program Staff are eligible to work with Minors. Pursuant to this Policy, the following types of convictions will normally render an individual ineligible to work or volunteer at a Program:

- Drug distribution activity or felony drug possession;
- Sexual offenses;
- Crimes of violence involving physical injury to another person;
- Child abuse, molestation or other crimes involving child endangerment;
- Murder or kidnapping; or
- Any other felony or crime involving moral turpitude

Training. All Authorized Adults or Program Staff working with Minors must be trained on policies and issues related to Minor health, wellness, safety, and security. This training should be completed annually and may differ based on role. Program Administrators must maintain documentation of training completion. Training must address the following topics:

- Detecting and reporting abuse or neglect;
- Participant conduct management and disciplinary procedures;
- Authorized Adult or Program Staff code of conduct;
- Sexual and other unlawful harassment;
- Clery Act requirements;
- Safety and security protocols; and
- Mandated reporting

Additional training topics, such as CPR/First Aid and medication management, may be required depending on the particular interaction. Campus personnel who train Program Staff must attend a training session given by Engage @ EMU.

Program staff code of conduct. Each Program should create and document a formal Code of Conduct for Program Staff. The Program Administrator must notify all Program Staff of the expectations within the Code of Conduct. Authorized Adults or Program Staff should be positive role models for Minors and act in a caring, honest, respectful, and responsible manner that is consistent with the mission of the University. Authorized Adults or Program Staff are required to comply with all applicable laws and University policy. In addition, Authorized Adults or Program Staff working in Programs covered by this policy may not do any of the following:

- 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;
- Engage or allow Minors to engage them in romantic or sexual conversations, or related matters, unless required in the role of resident advisors, counselors, or health care providers;
- Touch Minors in a manner that a reasonable person could interpret as inappropriate. If necessary, touching should only be in the open, in response to the Minor's immediate physical needs, for a purpose that is consistent with the Program's mission and culture, or for a clear educational, developmental, or health-related purpose (i.e., treatment of an injury). In this

regard, Authorized Adults and Program Staff must respect and adhere to any resistance from the Minor unless it is a life-threatening emergency;

- Use profanity, vulgarity, harassing language, or language that would violate the University Sexual Misconduct Policy;
- Engage in One-on-One Interaction with a Minor without the consent of the Minor's parent/ legal guardian;
- Program Staff must follow requirements for One-on-One Interaction as set forth elsewhere in this Policy;
- 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;
- Invite individual Minors to an Authorized Adult's or Programs Staff's home or other private locations. Any exceptions require authorization by the Program Administrator and the consent of the Minor's parent/legal guardian;
- Provide gifts to Minors or their families independent of items provided by the Program;
- Engage or communicate with Minors through email, text messages, social networking websites, phone, internet chat rooms, multiplayer online games, or other forms of social media at any time, except that a Program Administrator may authorize such communication if there is an educational or programmatic purpose for the communication and the content of the communication is consistent with the mission of the Program and the University;
- Engage in abusive conduct of any kind toward, or in the presence of, a Minor, including but not limited to verbal abuse, striking, hitting, punching, poking, or spanking. Unlawful restraint, and restraint prohibited under the Program Code of Conduct or that is not necessary to protect a Minor or other Minors from harm, is considered abusive conduct and also prohibited. All incidents of abusive conduct must be documented and disclosed to Engage @ EMU, the Program Administrator, and the Minor's parent/legal guardian;
- Use, possess, or be under the influence of alcohol or illegal drugs while on duty or while in the presence of Minors involved in a Program;
- Provide alcohol or illegal drugs to a Minor;
- Provide medication to a Minor unless authorized by the Program's medication management guidelines;
- Possess or use any type of weapon or explosive device unless authorized in advance by campus law enforcement.

Reporting possible criminal or questionable activity. All members of the University community should act immediately if they experience or witness possible criminal or questionable activity. In such instances, please take one of the following steps:

- Dial 9-1-1 to connect to the police if you require immediate emergency assistance or believe a crime is in progress. Dialing 9-1-1 from a cell phone will connect a caller to non-University police emergency dispatch. Dialing (734) 487-1222 will connect a caller to University Department of Public Safety emergency dispatch.
- Call the Department of Public Safety at (734) 487-1222 for non-emergency situations.

Reporters may also contact the University's Title IX Office at (734) 487-3617 if the reporter has witnessed or believes there has been sexual abuse or misconduct involving a Minor.

Mandated reporters and their legal obligations. All non-volunteer Authorized Adults or Program Staff may be Mandated Reporters. Authorized Adults and Program Staff who are working with Minors in their professional or official capacity and who have questions about whether they may be considered Mandated Reporters may contact their Program Administrator. Legal Affairs is also available to provide advice. Mandated reporters must immediately report known or suspected mental or physical abuse or neglect of a child made known to them in their professional or official capacity directly to Michigan's Department of Human Services by calling 855-444-3911 (24/7 toll free number). Crimes must also be immediately reported to the appropriate law enforcement agency. A Mandated Reporter must submit a written report to the Michigan Department of Human Services within 72 hours of the initial verbal report. Mandated Reporters must also inform the Program Administrator or Engage @ EMU. If reported to the Program Administrator, the Program Administrator must report to Engage @ EMU. Engage @ EMU, in conjunction with University Legal Affairs, will evaluate whether further action is required.

Policy Exemptions

The following activities are generally exempt from this Policy:

- Incidental interaction with Minors in Public Spaces;
- Events or performances on campus that are open to the general public (e.g., athletic competitions, plays, concerts);
- Services provided by the University Health Services and Snow Health Center, the University Psychology Clinic, the University College of Education Counseling Clinics, or other similar on-campus clinical services during which a Minor is under supervision of a parent/legal guardian or a clinical provider;
- Undergraduate and graduate academic programs in which minors are enrolled for academic credit (e.g., dual enrollment);
- Non-residential field trips to campus supervised by a Minor's school or organization;
- Off-campus clinical, practicum, or student teaching experiences in which EMU students interact with Minors as part of the experience and which are supervised by a third party entity;
- IRB-reviewed research;
- Off-campus events in which registered student organizations participate with third-party organizations (e.g., Big Brothers/Big Sisters; supervised volunteer work);
- Minor employees; or
- Private, personal events (e.g., birthday parties, weddings) for which the user has a separate, signed agreement with the University to use space on campus.

Engage @ EMU may, from time to time, designate other exempt Programs in advance and in writing.

Accountability

If an allegation of inappropriate conduct has been made against an Authorized Adult or Program Staff, the suspected individual shall immediately discontinue any further participation in any Programs until such allegation has been resolved. Violations of this Policy will subject the violator to appropriate progressive discipline, up to and including termination of employment (for faculty and staff) and dismissal from the University (for students). Program participants and staff must abide by all relevant EMU Policies and may be removed from the Program for non-compliance with the Policies.

Additional Procedures and Guidelines

Engage @ EMU may develop procedures and guidelines to assist those University Programs that wish to work with Minors or invite Minors on to campus.



Policies, Rules and Regulations

Chapter Name: Public Safety, Traffic and Parking
Chapter No. 9.7
Issue: Minors on Campus Policy
Effective Date: 8-30-18
Revision Date:

University Policy Statement

It is the policy of Eastern Michigan University that all existing and future University programs and activities involving minors shall be developed and administered pursuant to a comprehensive Minors on Campus administrative procedure, to provide a safe and protective environment for participating minors.

Authority for Creation and Revision:
Minutes of the Board of Regents, August 30, 2018.