



**Idaho State
University**

POLICIES AND PROCEDURES

Protection of Minors

ISUPP 1080

POLICY INFORMATION

Policy Section: *Governance/Legal*

Policy Title: *Protection of Minors*

Responsible Executive (RE): *General Counsel*

Sponsoring Organization (SO): *Office of General Counsel*

Effective Dates: *4-27-2015; November 10, 2022*

Last Reviewed: *November 10, 2022*

Next Review: *November 2027*

I. POLICY STATEMENT

Idaho State University is dedicated to the welfare and safety of the University community and Minors visiting campus. Event Sponsors planning University Events must proactively plan for the safety of all Minors participating in the University Event. Additionally, all employees and Event Sponsors must immediately report any known or suspected instances of abuse or neglect of a Minor, any violation of this policy, and any inappropriate interactions with a Minor in a University program or at an Event on campus. Failure to comply with the requirements of this policy may lead to disciplinary action up to and including termination and/or revocation of the opportunity to use University Facilities.

All Event Sponsors must read, understand, and adhere to the terms of this policy prior to conducting an Event including Minors on campus. Additionally, Event Sponsors must contact the Office of Risk Management before the Event takes place to determine which, if any, additional actions may be necessary to protect Minors depending on the specific circumstances of the Event. In the event an exception to this policy appears necessary, Event Sponsors should discuss the unique facts of the situation and the business necessity in advance with Risk Management.

While the University community is always required to protect Minors, exemptions to the procedural requirements in Section IV of this policy may include the following:

- A. General public Events where the parent or legal guardian of the Minor is expected to provide protection and supervision of the Minor, or where the Minor is on University property but not participating in a University-Sponsored Event (e.g., Reed Gym, Game Center/Theater/Craft Shop in the Pond Student).
- B. Situations where Minors are on a University campus but not for University-Sponsored Events, such as children in the workplace or classroom (see ISUPP 3040 *Children in the Workplace and Classroom*), participating in the Early College Program, or enrollment in the Early Learning Center.
- C. Clinical or research activities where Minors are patients or study participants:
 - 1. Policies and procedures for clinical activities involving Minors are administered through the Risk Management Office and the University's HIPAA Compliance Officer.
 - 2. Policies for minors as participants in research studies are based upon federal law (45 CFR 46, subpart D) and administered through the Office of Research and the Institutional Review Board (IRB), also known as the Human Subjects Committee.
- D. Private lessons, such as those provided at the School of Performing Arts or Campus Recreation.

II. DEFINITIONS

- A. **Authorized Adult:** An individual who is eighteen (18) years of age or older, paid or unpaid, who interacts with, supervises, chaperones, or otherwise oversees Minors at Events.
- B. **Event:** Events, programs, and activities offered by 1) any academic or administrative unit of ISU, whether held on or off University property, or 2) any third party, non-university group using University Facilities.
- C. **Minor(s):** Any person under the age of eighteen (18) who is not enrolled or accepted for enrollment in a credit-bearing program at ISU.
- D. **One-on-One Contact:** Interaction between any Authorized Adult and Minor without at least one other Authorized Adult or the Minor's parent or legal guardian present.
- E. **Risk Management:** Employee(s) in the Office of the General Counsel that oversee Risk Management and review Events for risk and liability purposes. Risk Management will set the required conditions for an Event to be held at a University facility.
- F. **Event Sponsor:** The academic or administrative unit of ISU that offers an Event, or gives approval for use of University Facilities for an Event, in which Minors participate; or a third party that offers an Event on University property or in University Facilities in which Minors participate.

- G. **University Facilities:** Facilities or property owned by or under the control of ISU.
- H. **University Volunteer:** Uncompensated individuals who are approved to perform services directly related to the business of the University. To qualify as a University Volunteer, an individual must be willing to provide services according to procedures outlined in the ISUPP 3020 *University Volunteer* policy and complete and sign an Authorized Volunteer Services Agreement. These individuals may be required to complete a background check.

III. AUTHORITY AND RESPONSIBILITIES

- A. Risk Management is responsible for:
 - 1. Maintaining and updating resources for protecting Minors and planning safe Events. These resources may be attached as Appendix A and may be updated on an ongoing basis and changed at any time.
 - 2. Assisting Event Sponsors with the process for safely including Minors in Events.
 - 3. Coordinating background checks when needed.
 - 4. In consultation with legal counsel and human resources as necessary, making a final determination on the eligibility of individuals to serve as Authorized Adults based on the results of a background check.
 - 5. Providing education to the campus community on protecting Minors.
- B. Event Sponsors are responsible for:
 - 1. Planning reasonably safe Events for Minors in compliance with this policy and best practices.
 - 2. Ensuring all Event staff and volunteers are trained on and agree to abide by the requirements of this policy.
 - 3. Maintaining all signed assumption of risk or waiver forms for the time period dictated by Risk Management, which is generally until the Minor turns twenty (20) or for six (6) years, whichever comes first.
 - 4. Notifying Risk Management of any known incidents of concern and providing all relevant documentation of said incident.
 - 5. Reviewing Appendix A, which includes information on signs of abuse and neglect of Minors.

IV. PROCEDURES TO IMPLEMENT

- A. Mandatory Reporting

1. Every member of the University community has an obligation to immediately report any known or suspected instances of abuse or neglect of a Minor, any violation of this policy, and any inappropriate interactions with a Minor in a University program or at an Event on campus.
2. Known or suspected abuse or neglect of a Minor should be reported to the ISU Department of Public Safety, which is responsible for contacting other law enforcement agencies, including the Idaho Department of Health and Welfare (see Idaho Code § 16-1605) and the local police department.
3. Known or suspected abuse or neglect of a Minor may also be reported anonymously through the Anonymous Reporting Form at isu.edu/publicsafety/anonymous-reporting-form/.
4. In addition to reporting to Public Safety, every member of the University community has an additional obligation to report known or suspected instances of abuse or neglect of a Minor, any violation of this policy, and any inappropriate interactions with a Minor in a University program or at an Event on campus to the Event Sponsor and the Risk Management.

B. University-Sponsored Events Involving Minors

1. The Event Sponsor must complete the Event Acknowledgement and Certification Form and return it to Risk Management at least two weeks before the Event.
2. The Event Sponsor must also contact Risk Management to discuss the Event and what additional procedures may be necessary to reasonably protect Minors at the Event.
3. The Event Sponsor may be required to coordinate with Risk Management to develop an Assumption of Risk form for all Events involving Minors.
4. If an allegation of inappropriate conduct is made against a person participating in an Event, the accused person must be removed from any further participation in programs and activities covered by this policy until such allegation has been satisfactorily resolved. Event Sponsors may contact Public Safety for assistance in the removal of any accused person, whether or not the accused is affiliated with the Event. Inappropriate conduct may include, but is not limited to, abuse, neglect, assault, harassment, sexual assault, sexual abuse, sexual harassment, child pornography, and furnishing alcohol, drugs, or sexual materials to a Minor.

C. Third Party-Sponsored Events Involving Minors

1. The Event Sponsor must complete the Event Acknowledgement and Certification Form and return it to Risk Management at least thirty (30) days before the Event.

2. The Event Sponsor must also contact Risk Management to discuss the Event and what additional procedures may be necessary to reasonably protect Minors at the Event.
3. The Event Sponsor may be required to coordinate with Risk Management to develop a liability waiver that includes language that releases, indemnifies, and holds Idaho State University, the State of Idaho, and its State Board of Education harmless from claims made against the third-party Event Sponsor.
4. The Event Sponsor must provide a Certificate of Insurance with limits of at least \$1,000,000 per occurrence for general liability, property damage, and personal injury naming Idaho State University and the State of Idaho as an additional insured to Risk Management. If the third-party Sponsor does not have general liability coverage, the third-party Sponsor should contact Risk Management to purchase event insurance coverage through an ISU-approved provider. Risk Management may require third-party Event Sponsors to provide a Certificate of Insurance showing proof of Sexual Abuse and Molestation Coverage of at least \$1,000,000 per occurrence. Any exemptions to the insurance requirements must be approved in writing by Risk Management.
5. If the third-party Event Sponsor is part of a larger organization, including but not limited to, scouting programs, a church, or club, and the organization has its own rules, regulations, policies, and/or procedures (organization procedures) concerning Minors that meet the minimum requirements of this policy, then the third-party Event Sponsor may satisfy the requirements of this policy by certifying that all organization procedures are being followed. A copy of the organization procedures must be provided upon request.
6. If an allegation of inappropriate conduct is made against a person participating in an Event, the accused person must be removed from any further participation in programs and activities covered by this policy until such allegation has been satisfactorily resolved. Event Sponsors may contact Public Safety for assistance in the removal of any accused person, whether or not the accused is affiliated with the Event. Inappropriate conduct may include, but is not limited to, abuse, neglect, assault, harassment, sexual assault, sexual abuse, sexual harassment, child pornography, and furnishing alcohol, drugs, or sexual materials to a Minor.

D. Supervision of Minors

At a minimum, the following guidelines should be followed for all campus Events and activities involving Minors:

1. The Event should meet or exceed the ratio of Authorized Adults to Minors as recommended by the American Camp Association:

Age of Minor	Authorized Adult-to-Minor Ratio for Overnight Events	Authorized Adult-to-Minor Ratio for Day Events
4 to 5	1:5	1:6
6 to 8	1:6	1:8
9 to 14	1:8	1:10
15 to 17	1:10	1:12

2. Minors should be identified as being part of the Event (e.g., nametags identifying the group). The Event Sponsor may be required to keep a list of all Minor participants and Authorized Adults and provide it to Risk Management upon request.
3. Minors should be within the line of sight of an Authorized Adult at all reasonable times, except when using the restroom/locker room or the Minor is on an overnight stay and is in the Minor's room.
4. All areas the Minor will be located should be inspected on a continual basis to ensure there are no hazards (e.g., dangerous conditions, broken glass, candles, alcohol, tobacco, drugs). All hazards should be reported to ISU's Facilities Services and/or Department of Public Safety.
5. Parents or legal guardians should receive contact information for Event Sponsors and procedures for contacting their Minor during the Event.
6. Appropriate drop-off and pick-up schedules and locations must be planned in advance and communicated to parents or legal guardians. This schedule must be reasonably adhered to and necessary changes must be communicated to parents or legal guardians in a timely manner.
7. Event Sponsors should establish a procedure for checking Minors in and out of the Event, and a Minor should not be released to anyone other than a parent or legal guardian or another person approved by the parent or legal guardian. Proper identification of approved persons may be requested by the Authorized Adult. Additional procedures or requirements may be instituted by Event Sponsors based upon the unique circumstances of the Event, including participant age or Event location. Event Sponsors may require parental or legal guardian permission for a Minor to drive themselves or ride with another person to and from the Event.
8. Authorized Adults who will be responsible for transporting Minors are required to become Authorized ISU Drivers through Transportation Services and complete a Department of Motor Vehicles Background Check. More than one Authorized Adult

must be present in the vehicle except when there are multiple Minors for the entire duration of the transport.

9. Authorized Adults should be briefed regarding the security measures in place to protect Minors, including how to report safety issues or violations of this policy, any inclement weather procedures, and fire and safety evacuation procedures.
10. Authorized Adults should be trained on the following:
 - a. Their responsibilities and conduct expectations during the Event,
 - b. What to do in the event of a crisis or emergency, and
 - c. Reporting protocols for conduct prohibited by University policy.
11. All Authorized Adults should be aware of the Event Sponsor's procedure for notifying the Minor's parent or legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant Event disruptions.
12. A head chaperone should be designated if the Minor is on an overnight stay. This head chaperone should have all emergency contact numbers and be readily available and present at all times to ensure each Minor is secure in their room. If the head chaperone must leave the premises for any reason, a secondary head chaperone should be readily available and have all emergency contact numbers.
13. If the Minor is on an overnight stay, there should be an age-appropriate curfew time that should be no later than midnight. Guests should be restricted to visitation in an open area and only during approved hours as specified by the Event.
14. Third-party Event Sponsors using University Facilities must provide ISU satisfactory evidence of compliance with all of the requirements of this policy prior to the scheduled use of University Facilities, as well as an approved agreement for use of the University Facilities, if applicable.
15. Event Sponsors should obtain all media, medical, and other required forms as part of the program registration process.
16. Event Sponsors should provide orientation to participants that may address the following topics: program safety and security procedures, University rules, program rules, behavioral expectations, and University reporting protocols for suspected child abuse and sexual assault.

E. Background Checks

Each Event Sponsor is responsible for ensuring that the Authorized Adults working with Minors are properly assessed before allowing them to participate in the Event. If required as detailed below, Event Sponsors must ensure each Authorized Adult has submitted the

background request information and has subsequently been authorized to participate prior to interacting with Minors.

Risk Management may require the Event Sponsor to obtain a signed Background Check Authorization form from each Authorized Adult or University Volunteer interacting with a Minor. When required, no Authorized Adult may work with or around any Minor until a successful background check has been completed. Background checks are conducted through Risk Management and may need to be updated on a regular basis. Following a background check, all Authorized Adults and University employees have an affirmative duty to notify their supervisor and Risk Management within three (3) days of any new arrests or protective orders related to a criminal charge. Any crime involving conduct the University determined unacceptable for engaging in Events with Minors may render an individual ineligible to work or volunteer at a University Event.

Individuals who do not have satisfactory criminal background check results will be provided with an opportunity to explain the results and give clarifying information to Risk Management before a final decision regarding eligibility is made.

F. Expectations of Authorized Adults

Authorized Adults should be a positive role model for Minors and act in a caring, honest, respectful, and responsible manner. Authorized Adults must follow these general guidelines during Events and avoid behaviors that could cause harm or be perceived as inappropriate by a reasonable person:

1. Do not physically, sexually, verbally, or emotionally abuse a Minor.
2. Do not engage in any sexual activity, make sexual comments, tell sexual jokes, or share sexually explicit material during a University Event or in the presence of a Minor.
3. Do not engage Minors in romantic or sexual conversations or related matters.
4. Do not be alone with a Minor unless the nature of the Event requires it and you have initiated other safety protocols. For example, if One-on-One Contact is required, you should meet in open, well-illuminated spaces or rooms with windows where you are observable by other Authorized Adults.
5. Do not enter a Minor's room when a Minor is on an overnight stay without another Authorized Adult in attendance, except in emergency situations.
6. Do not share accommodations with a Minor, with the exception of the Minor's parent or legal guardian sharing an accommodation with their own child.
7. Do not meet with Minors outside of established times for Event activities. Any exceptions should have a parent's or legal guardian's written consent, and at least one other Authorized Adult should be present.

8. Do not engage or communicate with 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 Event purpose, the content of the communication is consistent with the Event, and another Authorized Adult is copied on the message.
9. Do not accept from or give gifts to a Minor without the knowledge of their parent or legal guardian.
10. Do not invite a Minor to your home. Any exception should have written authorization of a parent or legal guardian and additional safety protocols in place.
11. Do not pick up a Minor from, or drop off a Minor at their home except as reasonably necessary or as specifically authorized in writing by a parent or legal guardian.
12. Do not transport a Minor for an Event alone. More than one Authorized Adult should be present in the vehicle, except when multiple Minors will be in the vehicle at all times throughout the transportation. Avoid the use of personal vehicles if possible.
13. Do not touch a Minor in a manner that violates this policy, is unwelcome, or that a reasonable person could interpret as inappropriate. Touching should generally only be in the open and in response to the Minor's needs, for a purpose that is consistent with the Event, and/or for a clear educational, developmental, or health related purpose.
14. 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, restraining, or any form of corporal punishment. If restraint is necessary to protect a Minor or other Minors from harm, all incidents should be documented and disclosed to the Event Sponsor, to Risk Management, and to the Minor's parent or legal guardian.
15. Do not engage in violence, hazing, or bullying.
16. Do not engage in discriminatory behavior as outlined in ISUPP 1110 *Protected Class Discrimination and Harassment*.
17. Do not use, possess, or be under the influence of alcohol, illegal drugs, or legal drugs that may impair judgment while working with a Minor or when responsible for a Minor's welfare; do not provide alcohol or illegal drugs to any Minor; and do not allow a Minor to provide alcohol or illegal drugs to another Minor. All suspicious activity must be reported to the Department of Public Safety or the local police department.
18. Do not possess or use any type of weapon or explosive device around Minors unless consistent with the Event and in accordance with a safety plan.

19. Do not provide prescription drugs or any medication to a Minor unless specifically authorized in writing by a parent or legal guardian or in the case of emergency treatment.

G. Injuries to Minors

1. Minor scrapes, bruises, bumps, etc., can generally be addressed on-site by supervising staff. For medical needs requiring additional care, but which also fall short of a medical emergency, an Authorized Adult should contact the Minor's parent or legal guardian and/or Public Safety for assistance. If an injury is serious and constitutes a medical emergency, immediately call 911. After calling 911, a staff member not assisting the Minor should contact the Minor's parent or legal guardian.

V. RELATED LAWS, RULES, AND POLICIES

A. Idaho Statutes § 16-1605, Reporting of Abuse, Abandonment, or Neglect

B. Idaho Statutes § 18-917 Hazing and § 18-917A Student Harassment—Intimidation—Bullying

C. 45 CFR 46, Subpart D

D. ISUPP 3040 *Children in the Workplace and Classroom*

E. ISUPP 3020 *University Volunteer*

F. ISUPP 1110 *Equal Opportunity, Anti-Harassment, and Non-Discrimination*

G. ISUPP 1120 *Sexual Harassment Under Title IX*

APPENDIX: SIGNS OF MINOR ABUSE AND NEGLECT

Different forms of child abuse include physical abuse, neglect, sexual abuse, and emotional abuse.

See the following website for the signs and symptoms of Minor abuse and neglect:

<https://www.childwelfare.gov/topics/can/identifying/>.

Each case of Minor abuse or neglect may be different. The child who has been hurt is always the victim. If you believe a child may be the victim of abuse or neglect, follow the reporting guidelines outlined in sections IV.A and V.A. Remember, if you see something, say something.