

POLICY CONCEPT FORM

Name and UO Title/Affiliation:	Andre Le Duc, Vice President and Chief Resilience Officer Deborah Butler, Asst VP Associate Vice President for Campus Services for Admin and COS, Finance & Administration Andre Le Duc, Assoc VP for Safety and Risk Services
Policy Title & Policy:	Protection of Minors and Reporting of Child Abuse
Submitted on Behalf Of:	Jamie Moffitt, Senior Vice VPFA President for Finance and Administration & CFO
Responsible Executive Officer:	Senior Vice President for Finance and Administration & CFO
Current Policy # (if applicable):	IV.05.06

SELECT ONE: **New Policy** **Revision** **Repeal**

HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT: **Yes** **No**

If yes, which attorney(s):

GENERAL SUBJECT MATTER

Include the policy name and number of any existing policies associated with this concept.

This policy intends to outline responsibilities, beyond those required by law, related to the protection of minors at the university.

RELATED STATUTES, REGULATIONS, POLICIES, ETC.

List known statutes, regulations, policies (including unit level policies), or similar related to or impacted by the concept. Include hyperlinks where possible, excerpts when practical (e.g. a short statute), or attachments if necessary. Examples: statute that negates the need for or requires updates to an existing policy; unit level policy(ies) proposed for University-wide enactment; or existing policies used in a new, merged and updated policy.

- [Youth Program Procedures](#)
- [-Background checks policy](#)
- [-ORS Mandatory reporting of child abuse](#)
- [-HR website on mandatory reporting](#)
- [Risk Management website](#)
- [UOPD report a crime](#)
- [Clery Act](#)
- [Oregon DHS website for reporting suspected child abuse](#)

STATEMENT OF NEED Reason for Policy:

What does this concept accomplish and why is it necessary?

~~Employees of Oregon higher education institutions, including the University of Oregon, are by law subject mandatory reporters of child abuse and neglect. The university has additional reporting and training requirements for university-affiliated youth programs and activities. The university is committed to providing a safe environment for participants in university-affiliated youth programs~~

~~and activities. This policy intends to outline responsibilities related to the protection of minors at the university. This Policy sets forth responsibilities related to the protection of minors at the university. This Policy requires reporting of child abuse to local authorities, and provides additional guidance and training requirements for university-affiliated youth programs and activities.~~

AFFECTED PARTIESEntities Affected by this Policy:

Who is impacted by this change, and how?

~~All employees of the university will gain further clarity as to their obligations, and minors who participate in university-affiliated youth programs will be better served~~This Policy applies to all employees, including faculty and staff, student employees, including graduate employees, and temporary employees, volunteers, and others affiliated with youth programs.

Responsible Office:

For questions about this policy, please contact the Office of the Senior Vice President for Finance and Administration: (541) 346-3003, vpfa@uoregon.edu

Website Address for this Policy:

<https://policies.uoregon.edu/vol-5-human-resources/ch-11-human-resources-other/prohibited-discrimination-and-retaliation>

~~The Risk Manager in The office of Risk Management and Insurance worked in collaboration with and Human Resources Safety and Risk Services engaged a 13-member committee of representatives youth program administrators from a broad range of units for which this policy has relevance. The to proposed revisiongather input on the proposed revisions from has been reviewed and input provided by keya broad range of stakeholders, including youth program administrators. committee reviewed drafts of the new policy and provided input. Committee members' names are included in the list of consulted stakeholders below.~~

CONSULTED STAKEHOLDERS

Which offices/departments have reviewed your concept and are they confirmed as supportive? (Please do not provide a list of every individual consulted. Remain focused on stakeholders (e.g. ASUO, Office of the Provost, Registrar, Title IX Coordinator, etc.).)

Office	Date
Office of the Provost	2022 <u>January 2023</u>
Office of General Counsel	January 2023
The office of Investigations and Civil Rights Compliance	September 2022
Human Resources	August 2022
Safety and Risk Services	August 2022
Intercollegiate Athletics	August 2022

University Housing	November 2022
Youth Program Administrators	August 2022 and March 2023
Physical Education and Recreation	August 2022
Erb. Memorial Union	November 2022
Portland Campus	November 2022
Oregon Institute of Marine Biology Campus	November 2022

Policy Statement:

The University of Oregon is committed to complying with mandatory reporting legal obligations and providing a safe and positive experience for minors. Faculty, staff, students, student employees, including undergraduate and graduate employees, and volunteers are expected to hold themselves to the highest standards of conduct when interacting with minors. ~~This policy and the associated Youth Programs procedures (LINK) mandate university-wide standards for those in the university community with the goal of protecting minors.~~ This policy should be read and interpreted to be consistent with state and federal law. This policy and the associated youth program procedures are outlined as follows:

1. ~~Employees of Oregon higher education institutions~~All employees of the University of Oregon are, by law, subject-mandatory reporters of child abuse and neglect. See Oregon Revised Statute 419B.005. University employees therefore have ~~For a current and complete list of public or private officials who are mandatory reports please refer to Oregon Revised Statute 419B.005 (3).~~Mandatory Reporting Requirements Pursuant to the Oregon Child Abuse Reporting Statutes, ~~a~~All university employees have a duty to make a report to the Oregon Department of Human Services (DHS) or a law enforcement agency when there is reasonable cause to believe any child with whom the employee comes in contact has suffered abuse or that any person with whom the employee comes in contact has abused a child.

The duty of employees of public universities to report incidents of child abuse applies at all times, not just to those incidents occurring during working hours or on campus. For incidents instances that relate to universityUO authorized activities, all universityUO employees are expected to make the report immediately to the University of Oregon Police Department (541-346-2919). For all other reporting situations, reports may be made to either the local law enforcement agency or the DHS Child Abuse Hotline (1-855-503-7233); reporting to the University of Oregon Police Department satisfies this requirement.

University volunteers working with a university youth program have a duty to report incidents of child abuse and neglect related to the program they are volunteering for to their youth program supervisor.

For the purpose of this policy and reporting responsibility, “child” means an individual under 18 years of age. For purposes of this policy and reporting responsibility, “abuse” includes, but is not limited to:

- Assault of a child;
- Physical injury to a child caused by other than accidental means;
- Any mental injury to a child caused by cruelty to a child;
- Rape of a child;
- Sexual abuse of a child;
- Sexual exploitation of a child;
- Negligent treatment or maltreatment of a child;
- Threatened harm to a child;
- Buying or selling of a child;
- Allowing a child on the premises where methamphetamine is being manufactured; and
- Unlawful exposure to a controlled substance that subjects a child to risk of harm.

~~The duty of employees of public universities to report incidents of child abuse applies at all times, not just to those incidents occurring during working hours or on campus. For this purpose, university employees include all faculty and staff, student employees including graduate employees, and temporary employees. Under the law, reports must be made to the local office of the Department of Human Services or to a law enforcement agency in the county where the reporting employee identifies child abuse. Failure to report when required to do so is a Class A violation. Persons who make reports in good faith are immune from liability for making the report. For instances that relate to UO authorized activities, UO employees are expected to make the report immediately to the UO Police Department (541-346-2919).~~

~~University affiliated youth programs, standards, Events, operations, endeavors, or activities designed for participation by minors and organized by the University of Oregon in which university employees or volunteers are responsible for the care, custody, or control of minors (“youth programs”) have required standards outlined in the Youth Program Procedures. Youth programs include but are not limited to day camps, overnight camps, clinics, instructional programs, and sports camps and virtual youth programing. The youth program procedures apply to all faculty and staff, student employees including graduate employees, temporary employees, and anyone else employed by the University of Oregon (“university employees”) as well as volunteers who work in youth programs.~~

~~2. This policy requires third parties using University facilities through a contractual relationship or other formal partnership with a University unit or department to meet or exceed equivalent standards set forth for UO youth programs.~~

~~These standards do not apply to:~~

~~• Undergraduate or graduate academic programs, classes, or activities in which all individuals under the age of 18 are enrolled students or students admitted for enrollment.~~

~~• Events open to the public that minors may attend, but where the university is not accepting care, custody, or control for the minor(s), as those terms are defined in the implementing procedures.~~

~~• Non-Youth programs where minors are working for the university as employees, volunteers, or interns. University employees and volunteers will be are required to comply with the University's conduct requirements when working with minors. Volunteers are required to obtain a background check.~~

~~All university employees will be required to comply with mandatory reporting requirements under this policy and any implementing procedures and under the law.~~

Requirements for Youth Programs and Third-Party Youth Programs:

3.2.

~~Youth programs and U~~university employees and volunteers working with youth programs must comply with the Youth Programs procedures, including standards for:

- a. Mandatory reporting
- b. Criminal background checks
- c. Conduct requirements
- d. Training
- e. Registration of programs

For the purpose of this policy and the accompanying procedures, "youth programs" is defined as all university affiliated events, operations, endeavors, or activities designed for participation by minors in which university employees or volunteers are responsible for the care, custody, or control of minors. Youth programs include but are not limited to day camps, overnight camps, clinics, instructional programs, and sports camps and virtual youth programing. Youth programs also include third party programs involving the care, custody or control of minors that use university facilities through a contractual relationship or other formal partnership with a university unit or department. Youth Program does not include the following:

- Undergraduate or graduate academic programs, classes, or activities in which all individuals under the age of 18 are enrolled students or students admitted for enrollment.
- Events open to the public that minors may attend, but where the university is not accepting care, custody, or control for the minor(s), as those terms are defined in the implementing procedures.
- Non-Youth programs where minors are working for the university as employees, volunteers, or interns. University employees and volunteers will be required to comply with the conduct requirements when working with minors. University employees and volunteers working directly with minors are required to have an updated background check processed.
- University employees or volunteers who may have incidental contact with minors but do

not work directly with minors in a youth program. All university employees will be required to comply with mandatory reporting requirements under this policy and any implementing procedures and under the law.

- University day care centers as they fall under separate regulatory requirements.

4.3. Non-compliance ~~of~~ with this Policy, including the Youth Program procedures, may result in discipline up to and including termination of employment or volunteer duties. To the extent there is a conflict between a separate state or federal law or to the extent that state or federal law already regulate an activity (e.g. licensed child care facilities, Institutional review board (IRB)-approved research), the state or federal law will supersede this policy).

PROCEDURES to be placed on separate website and no longer imbedded in Policy.

~~Procedures: Youth Programs as referenced in the Protection of Minors Policy~~

The following Youth Programs procedures provide the standards referenced in the Protection of Minors Policy.

Scope: These procedures apply to youth programs covered by the Youth Programs policy.

Mandatory Reporting

Pursuant to the Oregon Child Abuse Reporting Statutes and university Protection of Minors policy, all university employees have a duty to make a report to the Oregon Department of Human Services or a law enforcement agency when there is reasonable cause to believe any child with whom the employee comes in contact has suffered abuse or that any person with whom the employee comes in contact has abused a child. For instances that related to UO authorized activities, UO employees are expected to make the report immediately to the University of Oregon Police Department.

Criminal Background Checks

The university will conduct criminal background checks for any university employee or volunteer working in youth programs consistent with university policy on background checks and applicable Collective Bargaining Agreements. If a criminal background check reveals information that could affect the individual's suitability for their role in the youth program, the university will follow its usual policies and procedures regarding confidentiality, assessing the results, informing the youth program and the individual, and any other processes. Prior to interacting with youth volunteers and employees must have successfully completed a background check. Background checks are required every two years. If at any point during a youth program an individual is charged with an offense as identified in OAR 413-015-0115,

they must disclose this information immediately to the department or unit administrator and discontinue any and all activities involving minors.

Conduct Requirements

In addition to mandatory reporting requirements, university employees and volunteers shall report known violations of these procedures to their supervisor, youth program administrator, or anonymously report to the Reporting Hotline

When working in youth programs, individuals agree to:

Conduct themselves in a courteous and respectful manner, exhibit good sportsmanship, and be a positive role model for minors.

Respect, adhere to, and enforce the rules, policies, and guidelines established by the youth program, this policy, and the university.

Endeavor to provide a safe and healthy experience for all participants.

Endeavor to avoid private one-on-one situations with a minor.

Refrain from engaging in any criminal activity.

Refrain from making comments of a sexual nature in the presence of a minor or making sexually explicit materials available to a minor.

Comply with all applicable civil rights laws and policies, including and not limited to equal opportunity and nondiscrimination policies.

Not, under any circumstances, physically, sexually, verbally, or emotionally abuse or fail to provide the basic necessities of care applicable to the youth program, such as food or shelter, to participants.

It is expected that all communication and providing of programming should be completed through official University channels and not personal accounts. We should endeavor to avoid private one-on-one situations and limit direct electronic communication (1:1) between the minor and University staff, students, and volunteers. The Director of each youth program must be aware and authorize the use of unofficial university channels or personal accounts with the understanding parents and caregivers will always be cc'd on all meeting invitations and communications. This includes private chats and direct messaging within a software application.

Supervision of minors:

The number of supervisors required at a youth program shall be determined by taking into account all aspects of the program, including the age of participants, number of participants, the nature of the activity, and the age and experience of the adult supervisors. In setting an appropriate ratio, it is recommended that the program administrator consult the American Camp Association (ACA) standards.

Youth programs shall establish a procedure for checking minors in and out of the program. Minors who are school age (K-12) may be checked in or out in an alternative way (e.g. transport by bus, walking home) if the minor has written permission of parent or legal guardian to check in and out in the manner described in writing.

Training

Youth Program administrators and sponsoring departments are responsible for confirming that university employees and volunteers working in their youth programs will have training on the following topics:

Child abuse awareness and prevention

Reporting suspected child abuse and neglect

Mandatory Clery training is required for all UO paid employees

All requirements of the policy and these procedures

Human Resources and partner departments will provide resources to Youth Program administrators and sponsoring departments to facilitate completion of the training requirements. Such resources are currently available online: <http://hr.uoregon.edu/minors-campus>.

~~Youth Program administrators and sponsoring departments are responsible for confirming that university employees and volunteers working in their youth programs will have training on the following topics:~~

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Registration of programs

Each youth program must be registered annually with the Office of Risk Management including virtual or remote programming.

Youth programs hosted by third-party contractors must be registered by the university entity facilitating the contract. Registration includes: 1) entry of program information, and 2) certification by the hosting

~~department or unit that the third party youth program has agreed in writing to comply with all relevant University policy.~~

Maintaining a safe environment for youth

~~Youth programs must adhere to relevant state and federal workplace and environmental safety regulations and EH&S lab safety standards for STEM programs.~~

Emergency and safety planning and response

~~Youth programs must maintain safeguards and precautions appropriate for the youth in their care and must maintain a safety plan in the event of natural disasters, active threat or other health and safety emergencies. UO affiliate youth programs and third party contracted youth programs who operate or host youth programs must also have procedures in place for responding to known health conditions and health emergencies experienced by youth.~~

Non-discrimination

~~UO prohibits discrimination on the basis of race, color, sex, national or ethnic origin, age, religion, marital status, disability, veteran status, citizenship status, parental status, sexual orientation, gender identity, and gender expression in all programs, activities and employment practices as required by Title IX, other applicable laws, and policies.~~

Definitions:

Non-discrimina

~~To the extent there is a conflict between the below definitions and any term defined in the Youth Protection Policy, the Youth Protection Policy definition controls.~~

Youth Program: all events, operations, endeavors, or activities designed for participation by minors and organized by the University of Oregon in which university employees or volunteers are responsible for the care, custody, or control of minors. Youth programs includes but is not limited to day camps, overnight camps, clinics, instructional programs, and sports camps. Youth Program does not include the following:

~~Undergraduate or graduate academic programs, classes, or activities in which all individuals under the age of 18 are enrolled students or students admitted for enrollment.~~

~~Events open to the public that minors may attend, but where the university is not accepting care, custody, or control for the minor(s), as those terms are defined in the implementing procedures.~~

~~Non-Youth programs where minors are working for the university as employees, volunteers, or interns. University employees and volunteers will be required to comply with the conduct requirements when working with minors.~~

~~University employees or volunteers who may have incidental contact with minors but do not work directly with minors in a youth program. All university employees will be required to comply with mandatory reporting requirements under this policy and any implementing procedures and under the law.~~

Minor: a person under the age of 18 years

Care, custody, or control of minors: when an adult is present and has primary responsibility for supervision of minors at any given point throughout the Youth Program. At least one adult must have care, custody, or control of minors at all times during the Youth Program.

Working in youth programs: when a university employee or volunteer, as part of their duties in the youth program, is present with minors who are participating in a youth program, but the adult does not necessarily have care, custody, or control for the minors because another designated adult has care, custody, or control of the minor

University employee: a faculty member, staff member (including an officer of administration), student employee (including a graduate employee), temporary employee, or anyone else employed by the University of Oregon.

Volunteer: any individual providing services on behalf of the university for no remuneration or expectation that he or she will be compensated except for the reimbursement of actual expenses. This includes interns or students.

Virtual Youth Program: Any program where the University is hosting an online or remote program in which the audience is targeted for youth and where the university will have direct online access to minors.

~~**Youth Program administrator:** a person who is responsible for a youth program which may include human resources, financial, marketing, and strategic operations.~~

~~**Private one-on-one interactions:** An intentional or purposeful interaction where one individual to whom the policy applies is alone with one minor.~~

~~**Third Party Youth Program(s)** means non-University organizations and entities that lease, license, or otherwise use any University property in order to operate programs or activities involving Minors. This does not include private events such as birthday parties, or weddings.~~

Policy owner~~s~~: Human Resources [and Safety and Risk Services](#)

Related resources:

LINK to Youth Program [Procedures](#)LINK to [Background checks policy](#)

LINK to [ORS Mandatory reporting of child abuse](#)LINK to [HR website on mandatory reporting](#)

LINK to [Risk Management website](#) (resources for volunteers, waivers)LINK to [UOPD website for reporting suspected child abuse](#)

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POLICY CONCEPT FORM

Name and UO Title/Affiliation:	Andre Le Duc, Vice President and Chief Resilience Officer Deborah Butler, Associate Vice President for Campus Services and COS, Finance and Administration
Policy Title:	Protection of Minors and Reporting of Child Abuse
Submitted on Behalf Of:	Jamie Moffitt, Senior Vice President for Finance and Administration & CFO
Responsible Executive Officer:	Senior Vice President for Finance and Administration & CFO
Current Policy # (if applicable):	IV.05.06

SELECT ONE: New Policy Revision Repeal

HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT: Yes No

If yes, which attorney(s):

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Reason for Policy:

What does this concept accomplish and why is it necessary?

This Policy sets forth responsibilities related to the protection of minors at the university. This Policy requires reporting of child abuse to local authorities, and provides additional guidance and training requirements for university-affiliated youth programs and activities.

Entities Affected by this Policy:

Who is impacted by this change, and how?

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Responsible Office:

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Risk Management and Insurance worked in collaboration with Human Resources to gather input on the proposed revisions from a broad range of stakeholders, including youth program administrators.

CONSULTED STAKEHOLDERS

Which offices/departments have reviewed your concept and are they confirmed as supportive? (Please do not provide a list of every individual consulted. Remain focused on stakeholders (e.g. ASUO, Office of the Provost, Registrar, Title IX Coordinator, etc.).)

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2. University employees and volunteers working with youth programs must comply with the Youth Programs procedures, including standards for:
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 - b. Criminal background checks
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 - University employees or volunteers who may have incidental contact with minors but do not work directly with minors in a youth program. All university employees will be required to comply with mandatory reporting requirements under this policy and any implementing procedures and under the law.
 - University day care centers as they fall under separate regulatory requirements.
3. Non-compliance with this Policy, including the Youth Program procedures, may result in discipline up to and including termination of employment or volunteer duties. To the extent there is a conflict between a separate state or federal law or to the extent that state or federal law already regulate an activity (e.g. licensed child care facilities, Institutional review board (IRB)- approved research), the state or federal law will supersede this policy).

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