

POLICY CONCEPT FORM

Name and UO Title/Affiliation:	Kassy Fisher, Asst VP for Admin and COS, Finance & Administration Andre Le Duc, Assoc VP for Safety and Risk Services
Policy Title & Policy :	Protection of Minors
Submitted on Behalf Of:	Jamie Moffitt, VPFA & CFO
Responsible Executive Officer:	Vice President for Finance and Administration
Current Policy # (if applicable):	N/A- New policy

SELECT ONE: **New Policy** **Revision** **Repeal**
Click the box to select

HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT: **Yes** **No**
If yes, which attorney(s): Missy Matella

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.

LINK to Youth Program [Procedures](#)

LNK 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](#)

LINK to [Oregon DHS website for reporting suspected child abuse](#)

STATEMENT OF NEED

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.

AFFECTED PARTIES

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.

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.).)

Name	Office	Date
VPFA/CFO	Office of the VPFA	January 2017
Assoc VP and Director of Research Compliance	Research and Innovation	Summer 2016
Risk Manager	Risk Management, Safety and Risk Services	Summer 2016
Staff	Office of the General Counsel	January 2017

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, graduate teaching fellows, 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 (<https://hr.uoregon.edu/risk-management-resources-youth-programs>) 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.

1. Mandatory Reporting Requirements

Pursuant to the Oregon Child Abuse Reporting Statutes, 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 relate to UO authorized activities, all UO employees are expected to make the report immediately to the University of Oregon Police Department. For purposes of this 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;
- sexual exploitation;
- 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).

2. 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. The 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.

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 required to comply with the conduct requirements when working with minors.

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

Youth programs and 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

Non-compliance of 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.

To the extent there is a conflict between a collective bargaining agreement (CBA) to which the university is subject and this policy, the CBA will supersede this policy. However, if this policy requires additional or separate responsibilities, the CBA and this policy will both be enforced.

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.

I. 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.

II. 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.

III. Conduct Requirements

(a) 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](#)

(b) When working in youth programs, individuals agree to:

- i. Conduct themselves in a courteous and respectful manner, exhibit good sportsmanship, and be a positive role model for minors.
- ii. Respect, adhere to, and enforce the rules, policies, and guidelines established by the youth program, this policy, and the university.
- iii. Endeavor to provide a safe and healthy experience for all participants.
- iv. Endeavor to avoid private one-on-one situations with a minor.
- v. Refrain from engaging in any criminal activity.
- vi. Refrain from making comments of a sexual nature in the presence of a minor or making sexually explicit materials available to a minor.
- vii. Comply with all applicable civil rights laws and policies, including and not limited to equal opportunity and nondiscrimination policies.
- viii. 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.

(c) Supervision of minors:

- i. 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](#).

- ii. 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.

IV. Training

- (a) 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:
 - i. Child abuse awareness and prevention
 - ii. Reporting suspected child abuse and neglect
 - iii. All requirements of the policy and these procedures
- (b) 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>.

V. Registration of programs

- (a) Each youth program must be registered annually with the Office of Risk Management.
- (b) Youth programs hosted by third-party contractors must be registered by the university entity facilitating the contract.

Definitions:

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 adult has care, custody, or control

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.

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.

Policy owner: Human Resources

Related resources:

LINK to Procedures

LNK to Background checks policy

LINK to ORS Mandatory reporting of child abuse

LINK to HR website on mandatory reporting

LINK to Risk Management website (home page has links for volunteers, waivers)

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