

## Administrative Regulation 6:12

# Minors Involved in University-Sponsored Programs or Programs Held at the University

## Major Topics

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## I. Introduction

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The University is committed to protecting minors who participate in University programs or who visit our campus. This regulation describes the requirements for those in the University Community who work with minors or who sponsor programs involving minors, fulfills our obligations as mandated by law, and provides procedures to facilitate the safest possible experience for minors who visit the campus or involved in University Programs.

## II. Entities Affected

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This regulation applies to all members of the University Community and any third party entities that operate any Program including minors.

## III. Definitions

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### A. Child Abuse or Neglect

Child abuse or neglect means a situation where a child's health or welfare is harmed or threatened with harm. Harmed or threatened with harm can include, but is not limited to, physical injury, mental injury, sexual abuse, and sexual exploitation. (See KRS 600.020 for the complete definition of an abused or neglected child.)

Any person, including a member of the University Community, is required by Kentucky law to notify the proper authorities when they know or have reasonable cause to believe that a child being abused or neglected. (KRS 620.030)

### B. Minor or Child

A minor or child means any person who has not reached his or her eighteenth birthday. (KRS 600.020 (8))

Note: Minors on campus who are University students, or patients of University of Kentucky Healthcare or other clinical services provided in connection with the University are protected by other University policies. This regulation is intended to cover minors who are not otherwise covered by those University policies.

C. One-On-One Contact

One-on-one contact means personal, unsupervised interaction between a program leader or program staff and a minor without at least one other program leader, program staff, parent, or legal guardian present.

D. National Sex Offender Public Registry

The National Sex Offender Public Registry means the U.S. Government website that provides a linked search of public state, territorial, and tribal sex offender registries from one national search site. The website can be found at [www.nsopr.gov](http://www.nsopr.gov).

E. Program

Program means ongoing or planned events that are designed to include minors or are targeted toward minors. Examples include, but are not limited to: camps, lessons, workshops, club or team activities, projects, practices, tours, open-houses, research activities, and recruiting activities, etc.

1. This definition may not capture certain circumstances in which minors are present on campus, and those circumstances shall be evaluated on a case by case basis by the University of Kentucky Risk Management Department (Risk Management) to determine whether they fall within the scope of this policy.
2. For purposes of this policy, the term Program does not include:
  - (a) Performances or events not targeted toward minors and open to the public (e.g., varsity athletic competitions, theatrical plays, and concerts).
  - (b) Scheduled classes or activities designed primarily for enrolled students.
  - (c) Placement of students, for academic credit or clinical or teaching requirements, with external entities. When colleges or departments place students with external entities for such purposes, students shall be informed of their obligation to comply with the external entity's own policies and procedures, including those regarding background checks and guidelines for working with minors.
  - (d) Visits by individual minors interacting with any University faculty or staff employee (on or off campus), but not as part of a coordinated Program. However, these activities shall have their own guidelines in place and have a waiver signed by the parent or guardian of the Minor. It is the responsibility of the faculty or staff employee to obtain the waiver from the parent or guardian and maintain the waiver in his/her records. The waiver and sample guidelines are available at: (Risk Website) Examples include, but are not limited to:
    - Individual lessons (e.g., music, golf) or tutoring/mentoring;
    - Individual Minor doing research in a laboratory with a professor;
    - Job shadowing of a University employee; and
    - Individualized academic experiential learning/enrichment.

Note: For additional University policies regarding Minors in Research Laboratories or Animal Facilities, see: [http://ehs.uky.edu/ohs/minors\\_0001.php](http://ehs.uky.edu/ohs/minors_0001.php).

#### F. Program Leader

Program leader means the member of the program staff who is responsible for Program management and operation within a college, department, unit, division etc. The program leader shall:

1. Be over the age of 18;
2. Be a University faculty or staff employee;
3. Have completed the appropriate training administered through a program managed by the Risk Management Department, or its designee, and
4. Have demonstrated adequate qualifications and supervisory experience as determined by the Program Sponsor.

#### G. Program Sponsor

Program sponsor means the University college, department, unit, or registered student organization that operates a program including minors. Any program that is operated by a third party entity shall have a University program sponsor.

#### H. Program Staff

Program staff means a person, paid or unpaid, who supervises or has responsibilities for oversight of minors or a program.

#### I. University Community

For purposes of this regulation, University Community means faculty, staff, students, volunteers, any other individuals working with minors in a University-sponsored program, and any third party entities that operate or sponsor programs at the University involving minors.

## IV. Policies and Procedures

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#### A. Program Information

1. University units sponsoring programs including Minors or responsible for University facilities that are used by programs including minors, shall maintain an up-to-date list of those programs. Such lists should include each program's dates, times, locations, attendance (age range and number of participants), and a program contact. In the event of an emergency, this process allows consideration to be given to the possible presence of minors and an appropriate plan to address their health and safety.
2. At least fourteen (14) days prior to the start of a new program, or as soon as is reasonably practical, the program leader shall submit this information to the UK Director of Risk Management, or his or her designee, by filling out the online form available at the Risk Management Website: <http://www.uky.edu/administrativeservices/minors-campus>. Program sponsors are encouraged to submit the information form as far in advance as possible. Program information is submitted for registration purposes only. No approval shall be received by the registering unit. Information on the program may be used for audit purposes or by the college or department responsible for the Program. Contact the Director of Risk Management (859-257-3708) for more information.
3. Each program sponsor shall designate a qualified program leader to be responsible for implementation and oversight of the program and compliance with University regulations,

policies, procedures, and guidelines. For programs run by third party entities, the University unit responsible for the facility shall ensure that the necessary program information is submitted.

## B. Program Guidelines

1. Programs shall have in place, enforce, and make available upon request guidelines that address the following areas, as applicable to the particular program:
  - (a) Transportation, including the transportation of minors at the beginning and end of the program, to and from the program, and within the program, whether by parents, guardians, program staff or others. Programs that use University vehicles or drivers shall also comply with University policies regarding drivers and vehicles (See Business Procedures Manual E-14, Motor Vehicles).
  - (b) Weather emergency plans in the event that the program takes place in an area or building that does not already have a plan in place;
  - (c) Appropriate levels of access to and supervision of minors, including program staff-to-participant ratio;
  - (d) Appropriate physical contact and communication by program staff with minors based on the age of Minors and the nature of the Program activities;
  - (e) "Informed Consent, Voluntary Waiver, Release of Liability and Assumption of Risk Form" available on-line from Risk Management ("Consent, Waiver, and Release"), available at the Risk Management Website: <http://www.uky.edu/administrativeservices/minors-campus>; and
  - (f) First aid, medical treatment, medical information and dispensing of medication.
2. In addition, programs including overnight stays or use of University residences by minors shall have guidelines in place to appropriately address the following:
  - (a) Identification to be worn by program staff;
  - (b) Curfews;
  - (c) Code of conduct for participants;
  - (d) Prohibitions on the use of alcohol, tobacco, and non-prescribed drugs; and
  - (e) Residential supervision.

## C. Background Checks

1. Program leaders shall ensure that all program staff and any other individuals who will have direct contact with minors have been subject to a criminal background check and a National Sex Offender Public Registry check within the previous five years. This includes volunteer program staff, such as parents, who stay in overnight accommodations with minors or who have one-on-one contact with minors. Background and National Sex Offender Public Registry checks shall be repeated at least every five years thereafter but individual Programs or units may require more frequent updates. The costs associated with processing the background checks are the responsibility of the program.
2. If a criminal background check or National Sex Offender Public Registry reveals a record of a conviction of any sexually based offense or crime against a minor, the individual is prohibited from participating in a program. If criminal background checks include a record of conviction of any other

offense, the program leader shall consult Human Resources and Risk Management to determine if the offense(s) preclude participation.

3. All programs shall use a vendor approved by Human Resources and Risk Management to complete background checks. To initiate the background check process, program leaders, program staff and any individuals who will have direct contact with minors shall first complete a Background Check Consent form, which grants the University written consent to conduct a criminal background check. The department responsible for the program shall receive a paper copy of the individual's signed and dated Background Check Consent form prior to conducting the criminal history and National Sex Offender Public Registry checks. A faxed or photocopied form is acceptable. Departments shall maintain a copy of the completed Background Check Consent form. Individuals applying for staff positions shall complete the consent form with UK Human Resources through the hiring process.
4. After the department has received the signed consent form to request a criminal background check or National Sex Offender Public Registry check, the department shall forward it to UK Human Resources to be processed. Exceptions for not processing criminal background checks or National Sex Offender Registry checks through UK Human Resources shall be approved by the UK Human Resources Director of Employment and the Director of Risk Management.
5. Third party entities using University facilities and hosting Minors shall complete the required background checks with a national criminal database and National Sex Offender Public Registry check for program staff and shall make those results available to the University upon request. All contracts with third party entities using University facilities for programs involving minors shall include a requirement that appropriate background checks will be conducted for the entity's program staff and others having direct contact with minors.
6. For program staff for whom complete background checks are infeasible (e.g., host families in foreign countries), the program leader shall perform checks to the fullest extent feasible, document the information received, and adopt additional measures to prevent child abuse and facilitate the reporting of child abuse.
7. For individuals who are non-citizens and have been in the U.S. for less than one year, program leaders shall contact the Human Resources Director of Employment before ordering a background check and National Sex Offender Public Registry check to ascertain whether a background check and National Sex Offender Public Registry check is possible to complete.
8. Programs that are discrete, occasional events that require a large number of individuals to help operate the program may elect to adopt measures and safeguards instead of background checks for these one-time individuals. Programs adopting this method shall have the prior approval of the Director of Risk Management, or his or her designee. The measures adopted shall include the following requirements:
  - (a) That the individuals are working in public places and do not have one-on-one contact with minors;
  - (b) That the individuals are supervised by a program staff member who is over the age of eighteen (18);
  - (c) That whenever possible, the program leader shall compile the names and addresses of the individuals prior to the event and check the names against the National Sex Offender Public Registry;
  - (d) That the program cannot last longer than one day, include overnight supervision or occur on consecutive days with other programs and;

(e) That the individuals shall present photo identification to be checked at the event.

9. When University students are participating in an external program or organization that involves minors as a service learning activity or as part of a University academic program or event, such as student teaching, the University unit shall ascertain whether the external entity has its own policy on background checks and National Sex Offender Public Registry checks, and if so, follow that policy. If there is no policy in place at the external entity, the parties shall work cooperatively to decide if the University policy should apply to the particular event or activity.

#### D. Reporting Suspected Abuse and Notifications

##### 1. **In an emergency or if you see a crime in progress, always call 911 immediately.**

2. Kentucky state law requires any person who has reasonable cause to believe that a child is dependent, neglected, or abused to immediately make an oral or written report to the proper authorities. Failure to make a report may result in criminal charges. (KRS 620.030) To comply with state law, reports may be made to any of the following:
  - The University of Kentucky Police Department at 859-257-8573 for any property owned, leased, or controlled by the University of Kentucky.
  - The Child Protection Hotline at 1-877-597-2331.
  - Any local or state police.
3. If initial notification is made to any authority other than the University Police Department, the University requires that a report also be filed with the University Police Department so the University can conduct their own internal investigation. Failure to do so may result in corrective action.
4. If the initial notification is to the University Police Department, then the University Police Department has the obligation to report the suspected abuse to the Kentucky Cabinet for Health and Family Services, which conducts its own independent investigation.
5. The University shall cooperate with any external investigation by the Kentucky Child Safety Branch or local law enforcement. The University shall conduct its own internal investigation to determine if corrective actions are warranted, up to and including termination, consistent with the Governing Regulations and Human Resources Policies and Procedures. Legal prohibitions regarding physical presence on campus/trespassing may also be enforced. University administrators shall follow the appropriate procedures in determining and issuing any sanctions.
6. The University Police Department shall maintain a report of each allegation, together with a summary of the internal evaluation, the findings and sanctions, if any, that are imposed.
7. If the alleged abuser is not a member of the University community, but is present at the University through a third party vendor or other external entity authorized to be on campus, that external entity shall also be notified that the alleged abuser shall no longer be permitted on campus/facilities owned by the University. Legal prohibitions regarding physical presence on campus/trespassing may also be enforced.

#### E. Training Requirements

Prior to beginning any assignments with programs including minors all program leaders shall complete the appropriate training administered through Risk Management, or its designee, every three years. This

training is designed to target issues of codes of conduct, boundary concepts, and awareness of signs of possible abuse, molestation or neglect, reporting suspected abuse and responding to accusations of abuse. Program leaders can access the training through the Risk Management website: <http://www.uky.edu/administrativeservices/minors-campus>.

#### F. Compliance and Contractual Agreements

1. Contractual agreements concerning personnel or facilities related to programs including minors shall include compliance with this regulation as a term of the contract. When appropriate, such contracts shall also include an indemnification provision in which the University is held harmless for the acts and omissions of other program participants or third party employees or agents.
2. University units who sponsor programs, as well as the unit's academic or administrative head, are responsible for ensuring that programs are in compliance with this regulation.
3. This policy supplements and does not supersede any other legal requirements such as childcare or teacher licensure laws and regulations

#### G. Oversight and Delegation

The Executive Vice President for Finance and Administration is responsible for implementation and oversight of the regulations and may delegate those responsibilities to other appropriate entities within the University. Any entity assuming those responsibilities shall ensure compliance with this Administrative Regulation.

## References and Related Materials

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KRS 600.020(1), Definitions for KRS Chapters 600 to 645 (Abused or Neglected Child)

KRS 600.020(8), Definitions for KRS Chapters 600 to 645 (Child)

KRS 620.030, Duty to Report Dependency, Neglect, Abuse, or Human Trafficking

Administrative Regulation 6:7, Policy on Disclosure of Campus Security and Crime Statistics

Business Procedures E-14-2, Persons Authorized to Use Vehicles

## Revision History

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This is a new regulation.

For questions, contact: [Office of Legal Counsel](#)