

Policy 1.xx
Protection of Minors Policy
Approved by Academic Senate March 23, 2016

Purpose

Illinois State University is committed to ensuring a safe and secure environment when University faculty, staff, and students have direct contact with minors. The purpose of this policy is to ensure that minors are provided appropriate treatment and protections when

- participating in programs and/or activities being held on property owned or controlled by Illinois State University, or
- when agents/representatives of the University including but not limited to employees, students and/or volunteers have direct contact with minors.

This policy establishes the following:

1. A Minors Activity Compliance Committee (see “Definitions,” below), charged with reviewing University programs/activities involving minors;
2. A framework for identifying whether a program/activity must be reviewed by the Minors Activity Compliance Committee;
3. Guidelines for the Minors Activity Compliance Committee to use when reviewing proposed programs/activities;
4. Criteria for the Minors Activity Compliance Committee to use when determining what precautions are necessary (e.g., training, background check, emergency planning, etc.) prior to employees, students, or volunteers representing the University in a program/activity involving minors.

Definitions

For purposes of this policy:

Minor: an individual under age 18 who is not enrolled or accepted for enrollment at Illinois State University. Enrolled and accepted students are protected by other University policies.

Direct contact: Shall be determined by appropriate ISU officials based on individual circumstances, and shall include but not be limited to:

- 1) Direct interaction, care, supervision, guidance, and/or control of minors;
- 2) Access to minors where one-on-one contact with minor is possible;
- 3) Authorized building access to facilities/property where minors are present (e.g. issued a key or similar access); or
- 4) Unchaperoned time in facilities/property where minors are present. A chaperone must be an ISU employee who has undergone a successful background check, and must be present at all times during the event or activity.

Minors Activity Compliance Committee: Described below in the Policy section B.5.a, is charged with reviewing University programs/activities involving minors on or off campus.

Policy

A. Exceptions

The background check procedures conducted by Illinois State University and approval by the Minors Activity Compliance Committee, both of which are described below, are not required when:

1. Supervision is provided by a parent/legal guardian of the minor; or
2. An individual is providing appropriate assistance to minors in the event of a medical or other emergency.

Any requests for other exceptions to this policy must be submitted in writing to the Minors Activity Compliance Committee in conjunction with the appropriate Vice Presidential area.

B. Provisions

1. All members of the University community are responsible for reviewing, understanding, and adhering to the Protection of Minors policy and any related University policies and/or procedures.
2. All University employees will complete an annual education program on mandatory reporting, sign the certification of completion, and carry out reporting obligations as mandated by University Policy 5.2.1, Reporting Crimes, and state and federal law.
3. Research involving minors as human subjects may not be conducted without Illinois State University Institutional Review Board (IRB) approval. Personnel implementing an approved IRB research protocol involving minors as human subjects, including students and volunteers, are subject to background checks required by this policy, and are required to complete the education program on mandatory reporting, sign the certification of completion, and carry out reporting obligations as mandated by University policy and state and federal law. The IRB oversees human subjects protections; information on IRB policies and procedures is available at <http://research.illinoisstate.edu/ethics/human/>.
4. Any individual/department desiring to conduct University programs and/or activities involving minors not approved by the IRB must receive written approval from the Minors Activity Compliance Committee described in item 5 below to conduct such programs/activities prior to the program and/or activity being offered/provided. The Minors Activity Compliance Committee will review the request to ensure that the proposed program/activity meets the requirements of University policies and procedures.
5. The President (or designee) shall appoint a Minors Activity Compliance Committee charged with reviewing University programs/activities involving minors on or off campus.
 - a. The Minors Activity Compliance Committee will ordinarily consist of representatives from Academic Affairs, University Police Department, General Counsel, Risk Management, Environmental Health and Safety, and the faculty. Representatives from other Vice-Presidential Areas or Athletics will join the Minors Activity Compliance Committee when the program/activity is in their area.
 - b. The program/activity must be approved by the responsible administrator of the unit with which the lead organizer is affiliated or partnering (in the case of an external community

member). Once this approval is confirmed, the Minors Activity Compliance Committee will review requests, determine whether the submitted description and documentation meets the requirements of this policy with respect to the protection of minors, and inform the applicant(s) of the necessary steps for their program/activity to proceed. The Minors Activity Compliance Committee may consult with other individuals with expertise relevant to any particular proposed program/activity and/or request further clarification or documentation as part of their review.

- c. The Minors Activity Compliance Committee may grant exceptions to the requirement of criminal background investigations, consistent with provision B.8 of this policy.
6. Those responsible for planning or undertaking any University program or activity involving minors must ensure that prior written permission from a parent/legal guardian for the minor's participation in the program or activity has been obtained. Faculty, staff, and students working with minors (or supervising such work) in schools, clinics, hospitals, and other external agencies are also expected to conform to the requirements of those institutions.
7. Any University programs or activities involving minors will be supervised by at least one (1) adult affiliated with the University who has successfully completed a criminal background check and an education program that explains the mandatory reporting requirement.
8. University agents/representatives, including but not limited to employees, students, volunteers, and vendor/contractors who have direct contact with minors in any University program/activity (including those in University Laboratory Schools), are required to complete and pass a successful criminal background check and online sex offender registry check prior to having direct contact with minors. See also University Policy 3.1.30, Criminal Background Investigation

Faculty, staff, and students working with minors (or supervising such work) in schools, clinics, hospitals, and other external agencies are also expected to conform to the requirements of those institutions regarding background checks.

Exceptions to the requirement of background checks may be requested as follows:

- a. For guest speakers, visiting artists, and others who make brief or one-time contributions to programs/activities for minors and are compensated under the provisions of University Policy 7.1.39, Honorariums.
- b. For visiting individuals who can provide documentation of a successful background check conducted within the past 90 days.
- c. For events utilizing large numbers of volunteers recruited in a time frame that makes background checks run in advance impracticable and where the University will be able to provide on-the-spot checks using government issued identification. A positive result ("hit") using this system will disqualify the individual from volunteering.
- d. For other reasons as explained by the organizing group.

Requests for exceptions shall be made to, and reviewed by, the Minors Activity Compliance Committee. All requests for exceptions and/or on-the-spot checks must be accompanied by documentation of a rationale and the safeguards put into place for the event, such as plans for medical emergencies, severe weather, or transportation. The Minors Activity Compliance Committee will consider requests for exceptions, and may suggest additional safeguards, on a case-by-case basis, consistent with the provisions of this policy.

9. Any University program or activity involving minors that utilizes volunteers will require the volunteers to complete the education program on mandatory reporting, sign the certification of completion, and carry out reporting. If completing the training is impractical, an exception requiring the volunteers to sign an acknowledgment of the requirements for reporting and interaction with minors can be requested when submitting materials for review by the Minors Activities Compliance Committee.
10. The only standing approvals shall be for Illinois State University students hosting high school students on pre-enrollment visits in University Housing, including prospective student-athletes on official NCAA visits. Monitoring is provided by trained University Housing Services staff who have undergone criminal background checks. All such ISU student hosts of prospective students will be held to the highest ethical standards, are responsible for following the Student Code of Conduct, and are expected to comport themselves in a manner consistent with providing a safe and secure environment for all individuals, especially minors.
11. Minors are ordinarily not permitted in potentially unsuitable or hazardous areas, defined as areas in which any of the following are present: potentially toxic or combustible chemicals, biohazards, recombinant DNA, radioactive materials, heavy equipment, open flame, animals, or other inherently dangerous activities or substances. Exceptions will be granted for employment or educational purposes with verification of the same safety training as is provided to all employees and students performing the same activities.
12. Instances when a campus activity or program involves spontaneous/unplanned attendance by minors, or by adults who have not undergone a background check, when organizers in good faith did not anticipate such attendance, will not be considered violations of this policy. Examples of such activities or programs where spontaneous/unplanned attendance might be reasonably expected include but are not limited to arts and athletic events open to the public. Nonetheless, it is a general expectation that faculty, staff, and students representing the University shall comport themselves in a manner consistent with its commitment to providing a safe and secure environment to all, especially minors.
13. Faculty, staff, and students working with minors (or supervising such work) in schools, clinics, hospitals, and other external agencies are expected to conform to the requirements of those institutions. This provision includes, but is not limited to, individuals assigned to supervise or to engage in student-teaching in schools other than the University Lab Schools.

14. Individuals who report concerns in good faith about the safety and protection of minors may be covered by the University's Whistleblower Policy (1.15). As provided in that policy, retaliation against individuals who report such concerns in good faith will not be tolerated.
15. All University agents/representatives, including but not limited to employees, students, and volunteers are expected to cooperate in any internal or external investigation of possible threats to the safety or well-being of minors.

Outside Groups

Outside groups using property owned or controlled by the University must agree in writing to conduct criminal background and sex offender registry checks of individuals who will have direct contact with minors, and release the University from liability.

Vendors

Vendors who will be completing work at the University Laboratory Schools including Metcalf and University High School and any attached property or any other area the University deems necessary must follow all appropriate procedures regarding criminal background check and sex offender registry check.

C. Violations

1. If a University agent/representative, including but not limited to employees, students, volunteers, and vendor/contractors, is alleged to have engaged in inappropriate conduct with a minor, that individual is required to immediately discontinue all activities on University grounds or otherwise affiliated with the University that entail direct contact with minors until such allegation has been resolved.
2. Individuals who fail to comply with this policy or who have been found to have engaged in inappropriate conduct with a minor may be subject to sanction or discipline, up to and including termination for employees, dismissal for students, revocation of volunteer status, suspension or debarment for vendors, termination of use (current and future) of University owned or controlled property for outside groups, referral to law enforcement agencies, or other appropriate action.
3. Any individual who knowingly provides false information or makes a false report of wrongful conduct or a subsequent false report of retaliation may also be subject to disciplinary action, up to and including termination for employees, dismissal for students, suspension or debarment for vendors, revocation of volunteer status, termination of use (current and future) of University owned or controlled property for outside groups, and any other appropriate action.