101 Minors Participating in University-Sponsored Programs or Programs Using University Facilities

Approved by Board of Trustees
Effective Date: _________________, 2019
Responsible Division: President
Responsible Office: Office of the University Counsel
Responsible Officer: University Counsel

I. Purpose
This policy provides for appropriate supervision of minors who are involved in Middle Tennessee State University (MTSU or University) sponsored programs, programs held at MTSU, and/or programs housed in MTSU facilities.

II. Scope
A. This policy applies to programs involving minors offered by an academic or administrative unit of MTSU, or by non-MTSU individuals or groups using MTSU property or facilities subject to Policy 100 Use of Campus Property and Facilities Scheduling. Examples include, but are not limited to, athletic camps, academic camps, recreational camps, workshops, competitions, clinics, and conferences.

B. This policy does not apply to:

1. Events where parents/guardians are expected to provide supervision of the minor children, or events where the minor is accompanied by his/her parent/guardian;

2. Events designed primarily for students enrolled at MTSU;

3. An event open to the general public that is not targeted toward minors (i.e., athletic events, plays, concerts);

4. Orientation programs for prospective students, including prospective student-athletes. However, orientation programs involving overnight stays in residence halls must be registered/have entered into a use agreement with the Office of Housing and Residence Life;

5. Campus tours and visitation programs for prospective students, including prospective student-athletes. However, pre-enrollment visit programs for high school students...
housed overnight in residence halls must be registered/have entered into a use agreement with the Office of Housing and Residential Life;

6. Events, such as field trips and athletic events, sponsored and supervised by a minor’s school;

7. Licensed daycare centers or pre-schools affiliated with MTSU; or,

8. Single day events that begin and end between the hours of 8:00 a.m. and 4:30 p.m. Nonetheless, requirements of Policy 100 Use of Campus Property and Facilities Scheduling may apply. Additionally, and particularly for events sponsored by MTSU, the sponsor should consider Section IV.A. and B. to be best practices and, as applicable to the specific event, is urged to implement those requirements. It should be noted that the mandatory reporting of assault or abuse as set out in Section IV.A.7. is applicable to all program staff.

C. Notwithstanding its duration, events, programs, or activities held at the Recreation Center are subject to that facility’s requirements, such as completion of releases of liability.

D. The Office of Event Coordination retains the discretion to impose requirements in addition to those mandated by this policy, as it deems reasonable based on the type of program.

E. Requests for Exemption.

1. The sponsor of a program may submit a request for exemption from this policy, or from any of the requirements and responsibilities set out in Section IV., by filling out the Request for Exemption from Certain Requirements form.

2. The sponsor must indicate which requirements or responsibilities the request concerns, the basis for the request, and information about the procedures to be substituted.

3. The form should then be sent to the Office of the University Counsel. The University Counsel will forward the request, along with any additional information and/or recommendations, to the Vice Presidents and Provost, who will make the determination as to whether the request should be granted or denied.

III. Definitions

A. Minor. A person under the age of eighteen (18) who is not enrolled in for-credit courses at MTSU. Students who are dually enrolled in MTSU for-credit courses, while also enrolled in high school, are not covered by this policy. As used in this policy, participant shall also refer to a minor.
B. MTSU Property or Facilities. Property or facilities under the control of MTSU.

C. Program. Programs, events, or activities offered by academic or administrative units of MTSU, or by non-MTSU individuals or groups using MTSU property or facilities subject to Policy 100 Use of Campus Property and Facilities Scheduling.

D. Sponsor. The academic or administrative unit of MTSU which offers a program, or a non-university individual or entity that contracts with MTSU to provide a program using institutional property or facilities. The sponsor is responsible for ensuring compliance with this policy. The sponsor must designate at least one adult as the program director who will be the contact point for the program.

E. Program Director. The individual designated by the sponsor who acts as the contact person with MTSU for the program.

F. Authorized Adult. Individuals, age eighteen (18) and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee minors in program activities, using academic, recreational, and/or residential facilities. This includes, but is not limited to, faculty, staff, volunteers, graduate students, undergraduate students, interns, employees of temporary employment agencies, and independent contractors. The authorized adults’ roles may include positions such as counselors, chaperones, coaches, instructors, etc. Collectively, authorized adults may also be referred to as program staff. Authorized adults are considered to be mandatory reporters of child abuse, as defined by Tennessee law.

G. Direct Contact. Responsibilities of authorized adults including, but not limited to, the care, supervision, guidance, teaching, coaching, or control of participants.

H. One-on-One Contact. Personal, unsupervised interaction between any authorized adult and a minor without at least one (1) other authorized adult or parent/guardian being present.

IV. Program Requirements and Responsibilities

A. Applicable to all programs. The following requirements and responsibilities shall apply to all programs, whether sponsored by MTSU or a non-MTSU individual or entity:

1. The sponsor, program director, program staff, and participants are expected to abide by all federal and state laws, and rules, regulations, and policies of MTSU. Failure of an individual to do so may result in disciplinary action, if the individual is an MTSU employee; and/or removal from the program and the campus for non-compliance. MTSU reserves the right to terminate a program if, in its discretion, it is being run in an unsafe manner and/or is not complying with applicable laws, rules, regulations, and policies.
2. Sponsors, program directors, and authorized adults must make all reasonable efforts to maintain a reasonably safe environment for minors participating in programs and activities covered by this policy, including removal of minors from dangerous, or potentially dangerous, situations, irrespective of any other limitation or requirement.

3. A sponsor offering a program that involves minors shall provide adequate and appropriate care and supervision of participants associated with the program at all times. Some of the factors to consider in determining adequate supervision are the number and age of participants, the activity(ies) involved, type of housing, if applicable, and age and experience of the authorized adults.

4. It is recommended that one-on-one contact between an authorized adult and a minor be avoided to the extent possible. If the program will include activities involving one-on-one contact, the sponsor must ensure that the parent/legal guardian is specifically made aware of this fact.

5. Authorized adults involved in programs covered by this policy shall not:
   
   a. Have any direct electronic contact of a personal nature with minors without another adult being included in the communication.
   
   b. In the case of supervising minors overnight, to the extent practical, enter a minor’s room, bathroom facility, or similar area without another authorized adult in attendance. In these circumstances, the adults should be of the same gender as the minor(s).
   
   c. Engage in abusive conduct of any kind toward, or in the presence of, a minor.
   
   d. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner, any minor.
   
   e. Pick up or drop off minors at their homes, other than the driver’s child(ren), except as specifically authorized in writing by the minor’s parent/guardian and the program director.
   
   f. Provide alcohol, tobacco, tobacco products (including e-cigarettes), or illegal drugs to any minor. Authorized adults shall not provide prescription drugs or any medication to any minor, unless specifically authorized in writing by the parent/legal guardian as being required for the minor’s care or the minor’s emergency treatment.
g. Make sexual materials, in any form, available to minors or assist them in any way in gaining access to such materials.

h. Leave minors unattended or unsupervised.

i. Allow minors to be supervised by other minors in violation of this policy.

j. Allow the presence or participation of any minor other than those properly registered for the program. This includes the presence of a sponsor’s or authorized adult’s minor children.

6. If an allegation of inappropriate conduct has been made against an authorized adult involved in a program, he/she shall discontinue any further participation in the program until such allegation has been resolved to the satisfaction of the University.

7. Reporting assault or abuse. Each authorized adult who will be participating in a program covered by this policy shall complete annual mandatory training on the conduct requirements of this policy, on protecting participants from abusive emotional and physical treatment, and on appropriate or required reporting of incidents of improper conduct to the proper authorities including, but not limited to, appropriate law enforcement authorities and the Tennessee Department of Children’s Services.

a. Reporting allegations of assault or abuse. If a participant discloses any type of assault or abuse occurring at any time previously or during the program, or an authorized adult has reason to suspect that the participant has been subject to such assault or abuse, the authorized adult, as a mandatory reporter, must inform the program director immediately, unless the authorized adult believes the program director may be involved in the allegations of assault or abuse.

b. Together, the program director and the authorized adult must then call the Tennessee Department of Children’s Services Child Abuse Hotline 1-877-237-0004 if the situation requires an emergency response. If the program director is unavailable, is suspected to be involved in the allegations of assault or abuse, or if the program director or designee does not call 1-877-237-0004, the authorized adult should immediately call that number.

c. If a situation presents immediate danger to a minor, University Police should be called as soon as possible, followed by a call to the Tennessee Department of Children’s Child Abuse Hotline 1-877-237-0004.

d. If the report relates to a past event where there is no immediate threat to a minor (i.e., the report is based on a past event and the alleged abuser is not known to be currently in contact with minors), the program director or the authorized adult must provide written notification within forty-eight (48) hours
of filing the oral report to the **Department of Children’s Services**. In addition, the program director will immediately contact University Police, if that has not already occurred.

e. The program director should notify the appropriate senior administrator, Office of the University Counsel, and Title IX Coordinator as soon as practical, but this notification should not unreasonably delay the notification requirements outlined in the sections above.

8. The program director must provide the contact information for the University Police (615-898-2424) to each authorized adult.

9. Whenever it is learned that a participant is a victim or perpetrator of a crime, University Police (615-898-2424) must be contacted as soon as possible.

10. Appropriate safety measures, approved by the Environmental Health and Safety Office as outlined in the **MTSU Employee Safety Handbook**, must be followed.

11. If MTSU residential facilities are being used, a list of all participants and all program staff must be maintained and a copy provided to the Office of Housing and Residence Life. The list shall include the participant’s name, local room assignment, gender, age, address, and phone number(s) of parent/guardian, as well as emergency contact information.

12. If applicable, the program will be required to adopt and implement rules and regulations for proper supervision of minors in MTSU housing. The following must be included:

   a. Written permission, signed by the parent/legal guardian, for the minor to reside in MTSU housing.

   b. A curfew time, which is age-appropriate for the participants, but in no case shall it be later than midnight.

   c. In-room visitation is restricted to participants of the same gender.

   d. Separate accommodations for adults and minors are required, other than the minors’ parents/legal guardians.

   e. Neither the Program Director nor any Authorized Adult may bring a minor child with him/her who is not a properly registered participant in the program.
f. Guests of participants (other than a parent/legal guardian and other same gender program participants) are restricted to visitation in the building lobby and/or floor lounges, and only during approved hours specified by the program.

g. The program must comply with all security measures and procedures specified by the Office of Housing and Residential Life and University Police.

h. Doors in residence halls must not be propped open at any time.

B. Applicable to only MTSU-sponsored programs. In addition to the requirements and responsibilities listed in IV.A. above, the following shall apply to programs sponsored by MTSU. It is suggested that non-MTSU sponsors consider complying with, or implementing, these requirements as a best practice:

1. A list of all participants and program staff must be maintained by the sponsor and program director. The list shall include the participant’s name, local room assignment (if applicable), gender, age, address, and phone number(s) of parent/guardian, as well as emergency contact information. The list of program staff shall include the individual’s M number, if applicable, and contact information, and must be provided to the Office of Human Resource Services (HRS) as specified in 11.f. below. The list shall be maintained by the sponsor for a period of one (1) year following the conclusion of the program. Maintaining copies in electronic format is permitted.

2. The Agreement Regarding Participation in Event form, which includes provisions regarding acknowledgement of risk, release of liability and hold harmless, medical release, permission to use University housing, and image consent must be completed and signed by the parent/legal guardian of each participant as part of the program registration process. Sponsor must obtain the executed form prior to a minor’s participation in the program, and must maintain the document for a period of one (1) year following the conclusion of the program. Maintaining copies in electronic format is permitted. No such information gathered shall be disclosed, except as may be required by law.

3. The sponsor must establish a procedure for the notification of the minor’s parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions. Authorized adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program.

4. Participants’ parents/legal guardians must be provided information detailing the manner in which the participant can be contacted during the program.
5. Parents/legal guardians must be provided with information related to storage of participants’ medication and the administration of any such medicine.

   a. Personal epi pens and inhalers may be carried by the participant during activities.

   b. If an issue arises related to the need for access to medications, the program director must consult with Health Services and/or Disability Access Center to discuss the possibility of reasonable accommodations.

6. The sponsor must arrange for access to emergency medical services at all locations. Medical care appropriate for the nature of the program activities, expected attendance, and other variables should be considered.

7. Guidance from Health Services concerning communicable diseases must be followed.

8. Rules and disciplinary measures applicable to the program must be developed and provided to the participants and their parents/legal guardians. Participants and program staff must abide by all MTSU policies and procedures and may be removed from the program for non-compliance with rules. The following must be included in program rules:

   a. The possession or use of alcohol, drugs, tobacco, tobacco products including e-cigarettes, fireworks, guns, and other weapons is prohibited.

   b. The parking of staff and participant vehicles must be in accordance with MTSU parking regulations.

   c. Rules and procedures governing when, and under what circumstances, participants may leave MTSU property during the program.

   d. No violence, including sexual misconduct or harassment, will be tolerated.

   e. Hazing of any kind is prohibited. Bullying, including verbal, physical, and cyber bullying, is prohibited.

   f. No theft of property, regardless of owner, will be tolerated.

   g. Misuse of, or damage to, MTSU property is prohibited. Charges will be assessed against those participants who are responsible for damage to, or misuse of, MTSU property.
h. The inappropriate use of cameras, imaging, and digital devices is prohibited, including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.

9. An authorized adult must be accessible to participants at all times. The authorized adult must reside in the housing unit, if applicable. Additional authorized adults will be assigned to ensure appropriate levels of supervision are implemented.

10. Require the program to provide authorized adults to provide on-site supervision throughout the duration of the program in accordance with the following:

   a. The minimum ratio of authorized adults to participants should meet the following:

   One (1) authorized adult for every eight (8) participants ages four (4) and five (5);

   One (1) authorized adult for every ten (10) participants ages six (6) to fourteen (14);

   One (1) authorized adult for every twenty-five (25) participants ages fifteen (15) to seventeen (17).

   b. In addition to the requirements in Section IV.A.7. concerning reporting assault or abuse, training for authorized adults provided by the sponsor must include, at a minimum, information about responsibilities and expectations; applicable policies and procedures; appropriate crisis/emergency responses; safety and security precautions; and confidentiality issues for the specific program or activity.

   c. Responsibilities of the authorized adults must include, at a minimum, informing participants about safety and security procedures, MTSU rules, rules established by the program, and behavioral expectations. The program director is responsible for following and enforcing all rules and must be able to provide this information to participants and be able to respond to emergency(ies).

11. All authorized adults are required to have current background checks on record with MTSU at the time of hire and/or prior to beginning work with minors. The background checks shall be paid for by the sponsor. This background check must be reviewed and approved by HRS prior to being hired and/or working with minors. No individual with a criminal history relating to children or violence, including, but not limited to, child abuse, neglect, or sex offenses may be designated as an authorized adult.

   a. When there are high school students, including prospective athletes, participating in pre-enrollment visitation, the hosting MTSU student(s) will not be required to undergo a background check.
b. Newly hired MTSU employees are required to complete the MTSU background check process at the time of hire.

c. With the exception indicated in e. below, all other individuals must complete the background check process through HRS. This includes current employees who have not previously had a background check completed or do not have a current background check, as well as all other individuals, paid or unpaid. For the purposes of this policy, a current background check means a background check that is no more than four (4) years old on the date it is submitted to HRS for review.

d. Authorized adults are required to notify HRS of an arrest (misdemeanor or felony) or conviction for an offense enumerated in the Criminal History Attestation within seventy-two (72) hours of knowledge of the arrest or conviction. The Criminal History Attestation form provides the list of arrests and/or convictions that must be disclosed. This form must be used to provide the information in writing to the Assistant Vice President of HRS. This includes any arrests or convictions that occur between the date of disclosure for a MTSU-run background check and the date work begins.

e. Authorized adults employed by a K-12 educational system, who have undergone the State of Tennessee’s required background and fingerprint process, will be deemed to be in compliance with these background check requirements. It is the responsibility of the sponsor to verify that such individuals have met the state’s K-12 requirements for supervision, oversight, and protection of minors.

f. A roster, including the names of the sponsor and all program staff for a particular program, must be provided to HRS, which will confirm that background checks have been done as required by this policy.

12. A Volunteer form must also be completed and submitted to HRS when utilizing unpaid and/or non-MTSU employees as program staff. Use of MTSU employees as unpaid staff must be reviewed and approved by HRS prior to the start of the program.

13. The program director must provide satisfactory evidence of compliance with the requirement of this policy at least fourteen (14) days prior to the scheduled use of MTSU property or facilities.

C. Applicable only to non-MTSU entities or individuals. In addition to the requirements and responsibilities listed in IV.A. above, the following requirements and responsibilities shall apply to programs sponsored by non-MTSU entities or individuals:
1. The sponsor must agree to indemnify MTSU and hold it harmless from any and all liabilities arising out of its use of University property and/or facilities, including, but not limited to, personal injury, property damage, court costs, and attorney fees. Such indemnity agreement shall specifically include any and all claims brought against the University for any injury to the participants including, but not limited to, child abuse and child sexual abuse/molestation.

2. In addition to any other insurance required pursuant to Policy 100 Use of Campus Property and Facilities Scheduling, sponsors shall obtain an appropriate amount of sexual abuse and molestation insurance, and must name MTSU as an additional insured. Proof of such coverage shall be provided to MTSU, along with the certificate of insurance.

3. The program director must provide satisfactory evidence of compliance with all of the requirements of this policy at least fourteen (14) days prior to the scheduled use of MTSU property or facilities, as well as sign an approved agreement for use of MTSU facilities, as may be required by Policy 100 Use of Campus Property and Facilities Scheduling, if applicable.

V. Enforcement

Violations of this policy will be subject to, but may not be limited to, the following:

A. Breach of contract (for Coaching and/or Faculty contracts).

B. Denial of Facilities Use and/or Facilities Use Agreements.

C. Disallowance of future camp sponsorships and/or co-sponsorships.

D. Other sanctions and disciplinary actions as may be deemed appropriate by the University President in consultation with Human Resources and University Counsel.

VI. Interpretation

A. Requests to amend any forms required by this policy must be approved by the Office of the University Counsel prior to distribution or use.

B. The President or designee has the final authority to interpret the terms of this policy, and to approve exceptions to the policy.

Forms:

Annual Mandatory Training for Authorized Adults: Minors on Campus
Agreement Regarding Participation in Event
Arrest and Conviction Self-Disclosure Form
Volunteer Form
Request for Exemption from Certain Requirements


Last Reviewed: __________, 2019.

References: Policy 100 Use of Campus Property and Facilities Scheduling; MTSU Employee Safety Handbook.