



## Ohio Administrative Code

### Rule 3344-94-03 Policy.

Effective: October 5, 2015

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The following rule provisions apply to a sponsoring unit offering or approving a program which involves minors or provides university housing for minors participating in a program. If needed, sponsoring units can contact the office of university compliance to establish program specific forms and for sample agreements with third parties running programs on campus. All forms shall be approved by the office of university compliance or the office of general counsel prior to use.

#### (A) Communication and notification.

(1) The sponsoring unit shall establish an appropriate procedure for notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problem, natural disasters, or other significant program disruptions. Authorized adults with the program, as well as participants and their parents/legal guardians, shall be advised of this procedure in writing prior to the participation of the minors in the program.

(2) The sponsoring unit shall maintain a list of all program participants and a directory of program staff. This list shall include participant's name; local room assignment (if applicable); gender, age, address, and phone number(s) of parent or legal guardian, as well as emergency contact information.

(3) The sponsoring unit shall provide information to the parent(s) or legal guardian(s) detailing the manner in which the participant can be contacted during the program.

#### (B) Medical treatment, administration of medicines and emergency services.

(1) Minors, as defined in this rule, are not eligible for medical care at the university's student health clinic. The clinic shall see non-enrolled minors in the event of a medical emergency; such care necessarily requires permission from the minor's parent or guardian. Generally, if x-ray or specialty care is necessary, the clinic shall make the appropriate referrals. The medical director and staff are available to consult with program staff regarding health-related issues.



(2) If the industry standard for the program includes the collection of medical information, the sponsoring unit shall obtain a medical information and release form, located in appendix A to this rule, for each program participant and program staff member who is a minor. All forms shall include the following:

(a) A statement informing the parent/legal guardian that the university does, or does not, as applicable, provide medical insurance to cover medical care for the minor.

(b) A statement authorizing the release of medical information and emergency treatment in case the parent/legal guardian/emergency contact cannot be reached for permission.

(c) A list of any physical, mental or medical conditions the minor may have, including any allergies that could impact their participation in the program.

(d) All emergency contact information including name, address and phone number of the emergency contact.

(3) If the industry standard for the program includes the collection of medical information, the sponsoring unit shall obtain a self-administration of medication form and a consent for over-the-counter medication form, located in appendix B to this rule, for each program participant. Forms shall also be obtained for program staff members that are minors. Distribution of participant medicines by program staff shall be handled under the following conditions:

(a) Program staff shall be responsible for reviewing all forms and assessing needs of each program participant.

(b) The participant's family provides the medicine in its original pharmacy container labeled with the participant's name, medicine name, dosage and timing of consumption. Over-the-counter medications must be provided in their manufacturer's container.

(c) Program staff shall keep the medicine in a secure location, and at the appropriate time for distribution shall meet with the participant.



- (d) The program staff member shall allow the participant to self-administer the appropriate dose as shown on the container.
- (e) Parent(s) and/or guardian(s) are expected to make arrangements for the administration of any medicine that the participant cannot self-administer.
- (f) Devices for the self-administration of medications which are prescribed by a physician may be carried by the participant during program activities (e.g. "epi" pens and asthma inhalers). If the participant should not self-administer medication, for example because of the young age of the participant, the program staff shall store these medications in an appropriately accessible location.
- (g) Over-the-counter medications can only be administered with prior approval from the participant's parent or guardian. Program staff should make reasonable efforts to have basic first-aid kits available if needed. Participants can self-administer over-the-counter medication that they, themselves, bring.
- (4) The sponsoring unit shall arrange for medical care appropriate for the nature of program activities including on-site emergency medical service coverage, if needed.
- (C) Supervision of minors and access to university facilities.
- (1) Other than in cases outlined as follows, program staff should make every effort to ensure all activities involving minors are supervised by at least two authorized adults or by parent(s) or legal guardian(s) of the participants. Some of the factors to be considered in determining requirements for supervision are the number and age of participants, the activity(ies) involved, type of housing, if applicable, and age and experience of the program staff members. It is acceptable for an individual program staff member to provide program services to a group of participants (e.g., classroom instruction or outdoor activities) if the activity is conducted in an open or public area where the group is visible to others outside the group at all times. This includes classroom or meeting activities where open doors or windows allow for a clear line of sight.
- (a) Recommended ratios of program staff to program participants based on gender distribution of the participants, in accordance with American camp association guidelines, located found in appendix C



to this rule.

(b) Program staff shall assign a staff member who is at least twenty-one years of age to be accessible to participants. The staff member must reside in the housing unit, if applicable. Additional authorized adults should be assigned to ensure one-on-one contact with minors does not occur and that appropriate levels of supervision are implemented.

(c) When currently enrolled Cleveland state university students are hosting minor high school students participating in pre-enrollment visitation, the hosting university student(s) will not be required to submit to a background check or be at least twenty-one years of age and the requirement for two authorized adults will not be required. The department of enrollment service and the office of residence life shall provide a list of any pre-enrollment visitors and hosts prior to the start of the program.

(d) Guests of residents in university housing are required to follow all rules as provided under the guide to residential living.

(e) Training for the program staff shall include, at a minimum, information about responsibilities and expectations; policies, procedures, and enforcement; appropriate crisis/ emergency responses; safety and security precautions; addressing medical emergencies; confidentiality issues involving minors; and university responsibility/liability. Program staff must know how to request local emergency services and how to report suspected child abuse in accordance with rule 3334-95-01 of the Administrative Code. (child protection and reporting of child abuse policy.)

(f) Responsibilities of program staff shall include, at a minimum, informing program participants about safety and security procedures, university rules, rules established by the program, and behavioral expectations. Program staff is responsible for following and enforcing all rules and shall be able to provide information included in this rule to program participants and be able to respond to emergencies.

(2) In addition to the requirement that two adults shall be present at all times when minors are being supervised, an additional authorized adult should be available as a "floater" to stand-in if one of the two adults in a classroom or other situation must leave the area. The two authorized adults shall not



be family members of the participants.

(3) All supervised participants in a university program or a program taking place on university property are permitted in the general use facilities (e.g. athletic fields, public spaces, academic buildings) but may, as needed, be restricted from certain areas of the facilities (e.g. storage rooms, equipment rooms, athletic training rooms, staff/ faculty offices) or from utilizing certain equipment. Program staff shall inform participants of these limitations.

(D) Program rules of conduct

Program staff shall develop and make available to participants the rules and disciplinary measures applicable to the program. Program participants and staff must abide by all university regulations and may be removed from the program for non-compliance with rules. Participants and parents/guardians should complete the rules and disciplinary procedures form located in appendix D to this rule. In addition, the following shall be included in program materials and stressed during the program:

- (1) The possession or use of alcohol or drugs are prohibited.
- (2) Fireworks, firearms, guns, knives, archery equipment and other weapons are prohibited unless being used for an officially sanctioned and approved instructional program.
- (3) The parking of staff and participant vehicles must be in accordance with Cleveland state university's parking regulations.
- (4) Rules and procedures governing when and under what circumstances participants may leave university property during the program.
- (5) No violence, harassment, sexual abuse or sexual harassment, shall be tolerated.
- (6) Hazing, of any kind, is prohibited. Bullying including verbal, physical, and cyber bullying are prohibited.



(7) No theft.

(8) Use of tobacco products shall not be tolerated by participants or program staff. Smoking and tobacco use is prohibited in all university buildings and on all university campuses.

(9) Misuse or damage of university property is prohibited. Charges shall be assessed against those participants who are responsible for damage or misusing university property.

(10) The inappropriate use of cell phones, cameras, imaging, and digital devices is prohibited including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.

(E) Media and information disclosure

Program staff shall obtain a Cleveland state university media release form, located in appendix E to this rule, as part of the program registration process. All data gathered shall be confidential, is subject to records retention guidelines, and shall not be disclosed, except as provided by law.

(F) Background checks

(1) All adult program staff that have direct contact with minors or supervise a program with minors are required to have a background check on record with the university before the authorized adult is hired or allowed to engage with minors.

(2) For those program staff that are university employees, human resources shall verify that a background check has been performed. If required by law or in the discretion of the sponsoring unit, the background check may include a fingerprint background check through the Ohio bureau of criminal investigation (BCI) and the federal bureau of investigation (FBI). If a BCI/FBI background check is not required and the employee has not completed a background check, one shall be conducted consistent with rule 3344-60-01 of the Administrative Code (employee background screening policy). Background checks shall be reviewed and approved by human resources prior to being hired and/or engaged in working with minors.



(3) In order to complete a background check, the program-sponsoring unit shall contact human resources to have these background checks completed no later than two weeks prior to the start of the program.

(4) A decision not to permit an individual to participate in a program or activity covered by this rule based on the results of a background check shall be made by the assistant vice president for human resources after consultation with the appropriate university officials. Results of background checks conducted under this rule shall be used only for the purposes of this rule, except that the university reserves the right to take appropriate action with respect to its employees who may have falsified or failed to disclose information material to their employment on employment applications, uncovered as a result of the background check, including and up to immediate termination of employment. Copies of background check reports shall be retained in human resources in accordance with rule 3344-60-01 of the Administrative Code (employee background screening policy).

(5) Non-university entities providing adult supervisors for university-based programs shall conduct background checks on program staff and directors at least comparable to the standards indicated in this paragraph, including conducting BCI/FBI background checks where required by law or best practices.

(6) All contracts for the services of independent contractors that will have access to or contact with minors shall include a provision assuring that the employees of such independent contractors or the contractor (in the case of a solo contractor) has complied with, at a minimum, background checks and training comparable to those required by the university under this rule. In addition, all independent contracts shall reference and attach copies of this rule and rule 3344-95-01 of the Administrative Code (child protection and reporting of child abuse policy), to such contracts.

(G) Programs directed by non-university entities

(1) The university hosts non-university camps and other educational programs or activities on the university campus. The non-university party shall secure a university host in order to utilize campus facilities. Authorized representatives of the non-university party and the university host shall reduce the relationship to an agreement signed by both representatives. In the case of the lease of facilities, the university host shall be considered the office of campus services.



- (2) The agreement shall Require the non-university sponsoring unit to agree to comply with this rule.
- (3) The sponsoring unit must provide at least one administrative program director with responsibility for satisfactory operation of the camp, including:
  - (a) Maintaining discipline among the participants and compliance with university rules, including overseeing the care of residence hall property and observance of applicable curfews;
  - (b) Arranging for medical treatment in all cases of illness and injury occurring during the camp, including transportation to and from the medical facility, and ensuring that appropriate insurance forms and information are provided;
  - (c) Maintaining regular and open communication with host office at the university, sponsors, and residence hall personnel;
  - (d) Maintaining daily contact with the host office liaison to ensure that dining facility and program schedules are coordinated and observed;
  - (e) Being on-call twenty four hours a day while the program is in session.
- (4) Provide a list of all program staff and participants to the Cleveland state university police department prior to the start of program activities. The list should include all names, addresses, phone numbers and emergency contact information for staff and participants.
- (5) Conduct appropriate background checks on program staff and director at least comparable to the standards established in paragraph (F) of this rule.
- (6) Conduct appropriate training consistent with paragraph (H) of this rule, 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.





(7) For each participant in attendance, ensure the camper is accompanied by a coach or sponsor who shall be responsible for the conduct and safety of the child while in attendance; or assign a staff person who shall assume that responsibility for each unaccompanied camper (ratio of counselors to campers shall meet or exceed standards set forth in this rule.)

(8) Submit to the appropriate vice president all printed materials used in advertising camps held at the university.

(9) Provide the university host entity with regular updates of anticipated space requirements and, at a minimum, provide: (a) a best estimate of attendance sixty days prior to camp; (b) an update every week for the four weeks leading up to camp; and (c) a written reservation guarantee five working days prior to the camp.

(10) Assume financial responsibilities of key and lock replacement for keys issued for the program and not returned to the office of residence life.

(11) Assume financial responsibility for any special services or requests which camp director(s) may deem necessary to enhance the camp.

(12) Assume financial responsibility for any and all losses or damages to practice facilities, equipment, residence halls, or other university property resulting from any act or failure to act on the part of participants or client staff;

(13) Agree to operate in accordance with federal affirmative action/equal opportunity and federal, state and university anti-harassment laws, regulations and requirements (including Title IX);

(14) To the fullest extent permitted by law, defend, indemnify and hold harmless Cleveland state university, its board of trustees, faculty, staff and agents from and against any and all claims, damages, losses and expenses including but not limited to attorneys' fees arising out of, related to, or resulting from performance of services under the contract, regardless of whether such claim, damage, loss or expense is caused in part or is alleged but not legally established to have been caused in whole or in part by the negligence or other fault of the university.



(15) Prior to the start of the program, and prior to coverage expiration, the non-university party must provide evidence of the following insurance coverage to the sponsoring unit and the office of university compliance: commercial general liability insurance in combined single limits of not less than one million dollars per occurrence for bodily injury and property damage. Such coverage shall include sexual molestation and abuse coverage and automobile liability insurance if vehicles are going used to transport persons. Such insurance must be written in combined single limits of not less than one million dollars per occurrence for bodily injury and property damage; statutory workers compensation and employers liability insurance in limits of not less than five hundred thousand dollars to cover all persons employed by the non-university party. All insurance policies shall be written on an occurrence form issued by an insurer with an A.M. best rating of "A" or higher and shall name as additional insureds, Cleveland state university, its board of trustees, faculty, staff and agents.

(H) The parties shall contractually agree that the third party is an independent contractor using the facilities of the university to conduct a program. Nothing contained in the agreement or in the activities conducted shall constitute either party to be the agent, servant, or employee of the other party, nor create a partnership or joint venture relationship between the parties, and each party shall be fully and solely responsible for its own activities and obligations.

(I) Authorized personnel/signatories for non-university groups using university facilities shall provide satisfactory evidence of compliance with all of the requirements of this rule within at least thirty days prior to the scheduled use of university facilities, as well as sign an approved agreement for use of university facilities, if applicable, to the sponsoring unit.