

3356-7-50 Minors on campus/background checks.

- (A) Policy statement. Youngstown state university (“university”), as part of its educational mission, offers and participates in youth oriented programs and allows minors to access the university and its facilities. The university is committed to ensuring a safe environment for minors and requires that all staff, volunteers, program participants and campus visitors hold themselves to the highest standards of conduct.
- (B) Purpose. To establish standards and requirements for university programs or activities involving minors and for minors accessing the university and its facilities.
- (C) Scope.
- (1) This policy applies to university programs and activities specifically designed for participation by minors and all participants, volunteers and employees, including student employees, who exercise direct supervision, chaperone, or otherwise oversee minors, in the course of their duties in these particular programs.
- This policy does not apply to: enrolled or dully enrolled minor university students participating in normal class and academic settings; employees or volunteers at university events or single performances open to the general public; or employees or volunteers who may have incidental contact with minors but do not work directly with minors within a program or activity.
- (2) This policy also applies to minors who are on campus as guests or as members of the general public. Refer to section (E)(6) below, “Minors on campus not participating in programs,” for procedures applicable to minors on campus generally.
- (3) Minor children of residential students who reside on campus either full or part-time are expected to follow this policy when they are on campus in any facility other than the residential hall in which they reside. While inside the residence hall, the minor child and the student parent should defer to housing policies regarding having minor children in residence.

- (4) A program or activity may impose additional requirements than those found in this policy.
- (5) This policy does not replace the requirements for reporting child abuse or neglect pursuant to the Revised Code or other statutory reporting requirements.
- (6) Except where required by law, background checks conducted pursuant to this policy will be used only for purposes consistent with this policy and will otherwise be kept confidential.

(D) Definitions.

- (1) “Abuse or neglect of minors.” Infliction or threat of physical or mental injury, sexual abuse or exploitation, or neglect of a person under age 18 or of someone who is incapable of self-care because of a mental or physical disability.
- (2) “Minor.” A participant in a program for minors who is under 18 years old or is incapable of self-care because of a mental or physical disability.
- (3) “Programs for minors.” An organized activity or event that is specifically designed for minor participants, is staffed by university employees and/or volunteers, and is offered by an academic or administrative unit of the university, whether on or off campus.
- (4) “University organization.” Any academic or administrative unit of the university unit staffed by university employees, including student employees, acting within the scope of their employment.
- (5) “Volunteer.” Any individual working in an unpaid capacity in a program for minors, including interns and practicum students; however, this does not include invited speakers or guests who do not oversee minor participation.
- (6) “Direct supervision.” Supervision, guidance or instruction of children in lieu of parent or guardian by campus employees or volunteers.

(E) Procedures.

- (1) Standards of behavior. All programs must provide reasonable monitoring of employee, volunteer, and participant behavior and all program participants, staff, leaders, employees, associates and volunteers must refrain from and promptly address inappropriate behavior. Inappropriate behavior includes, but is not limited to:

 - (a) Abusive conduct of any kind;
 - (b) Possession, distribution, or use of alcohol, illegal drugs, fireworks, guns or other weapons or dangerous materials;
 - (c) Hazing, bullying;
 - (d) Theft, misuse or destruction of property;
 - (e) Accessing by or making available to a minor any sexually oriented materials.
- (2) “Ratio of counselors.” The university does not offer camp programming for participants under the age of 5. The ratio of counselors to program participants shall be based on the American camping association current guidelines which are available on the [student experience](#) website.
- (3) Reporting requirements.

 - (a) Any employee or volunteer who in the course of their duties witnesses abuse or neglect of a minor or has information that would lead a reasonable person to believe that a minor faces a substantial threat of such abuse or neglect, shall immediately contact the county children services agency and the Youngstown state university police department (330) 941-3527.
 - (b) The Youngstown state university police department shall ensure that the applicable county children’s services agency has been notified that a minor faces a substantial threat of such abuse or neglect and shall notify the appropriate municipal or county peace officer department, the office of

general counsel, and the office of human resources of such threat. The office of human resources will contact the director of the university program to ensure that the director has been notified of such threat.

(4) Training.

(a) Colleges and units of the university offering programs and activities specifically designed for participation by minors, regardless of whether supervision of minors is part of the program or activity, must ensure that employees and volunteers staffing the program or activity, annually complete applicable training provided by the office of human resources and keep records of such training. Training content must include at a minimum child abuse awareness and prevention, and reporting obligations and procedures.

(b) In order to insure appropriate oversight in the event of staff shortages, departments offering programs or activities which include direct supervision of minors must insure that at least one professional staff undergo annual applicable training as described in paragraph (4)(a) above.

(5) Background checks. Background checks must be conducted on all employees and volunteers working with minors in programs and activities covered by this policy as follows:

(a) Employees and volunteers in programs which do not involve overnight stays must have a bureau of criminal investigation ("BCI") background check prior to working in a program for minors and once every four years thereafter.

(b) Parental consent must be obtained for the background check of a minor age employee or volunteer.

(c) Where required by Ohio law or where the employee or volunteer is engaged at a facility or in a program that involves the use of showering, changing or sleeping

facilities, the background check shall include both a BCI and federal bureau of investigation (“FBI”) records check.

(d) Employees and volunteers who have not lived in Ohio for five consecutive years must have a BCI and FBI background check.

(e) Employees and volunteers who have any break in service for any time period must have a new BCI background check prior to rehire and an FBI criminal records check must be completed if the employee or volunteer lived in a state other than Ohio during the break in service.

(f) Employees and volunteers must self-disclose to the program leader or administrator, any felony or misdemeanor convictions or pleas of guilty or no contest (nolo contendere) that occur after hire or after being accepted as a volunteer within three days of pleading or being convicted.

(g) Employees and volunteers must self-disclose any pending felony or misdemeanor charges to the program leader, college, or unit, prior to the time of or after hire or that are pending at the time of or after acceptance as a volunteer

(h) Programs or units may perform background checks more frequently at their discretion and must do so if required by law.

(i) BCI and FBI background checks will be forwarded to the director of the office or unit responsible for the program or activity.

(6) Background check review.

(a) Adverse or unfavorable information revealed through a background check or self-disclosure shall be reviewed by the university police department in coordination with the divisional administrator or designee. The review will be an individualized assessment in order to identify potential risk

to minors.

- (b) Following receipt of a background check by the director of the office or unit responsible for the program or activity and review with the university policy department, all background check forms and records, regardless of whether they contain adverse or unfavorable information, shall be provided to and maintained in the office of human resources. The office of human resources shall maintain these documents separate from personnel or student files and shall only disclose adverse information on a need to know basis or pursuant to legal requirements.

(7) Addressing reports of abuse or neglect.

- (a) Investigation of allegations of child abuse, sexual abuse, or neglect will be addressed in accordance with the investigatory protocols of children services agencies, local law enforcement agencies, and/or the university.

- (b) Upon receipt of an allegation and during the course of an investigation, the person against whom an allegation has been made may be removed from a program or activity and/or may have his/her contact with minors limited until such allegation has been satisfactorily investigated and resolved.

(8) Minors on campus not participating in programs. The university's campus and facilities are not generally an appropriate environment for minors unless they are matriculated students or enrolled in a university program specifically designed for their participation and are appropriately supervised by their parents, legal guardians or properly trained responsible adults (hereinafter collectively referred to as guardian). The following policies apply to any minor on campus who is not participating in a university program or as an enrolled or dually enrolled as a student:

- (a) No minor under the age of fourteen may be left alone on campus at any time for any reason.

- (b) The university police department will be notified if a minor under the age of fourteen is left unattended on campus or at an athletic event or public program or event.
- (c) A guardian must have line of sight supervision of the minor at all times.
- (d) A guardian must assure that the minor is not disruptive to others and if the minor becomes disruptive, the guardian shall correct the situation.
- (e) The university retains the right to require visitors who are unwilling or unable to exercise appropriate control over minors to leave university facilities.
- (f) Minors age fourteen and above are held to the same standards of conduct that apply to all members of the university community.
- (g) Minors may not accompany students to class unless specifically approved by the class instructor. This restriction does not apply to university programs involving campus visits by prospective students or university sponsored family or sibling programs.
- (h) Unless authorized by the appropriate dean, or department head, or as part of a university program, a minor may not accompany a parent or guardian to work.
- (i) Minors are restricted from access to safety sensitive areas such as laboratories and workshops, except as part of a university program or as a university student pursuant to an academic course or program.
- (j) Due to the potential health risks to others, children with communicable illnesses cannot be brought to campus.
- (k) Students, faculty or staff who have child care emergencies are advised to stay home or make alternative arrangements and not bring children to campus. No university space is to be used as an alternative to child care, including but not

limited to libraries, classrooms, laboratories, residence halls, lounges, and restaurants or other public space.

(9) Departments, programs, and schools may impose additional limitations on the presence of minors.

(F) Violation and accountability. Individuals, entities, programs or units that violate this policy will be held accountable for their actions under the applicable program's standards of behavior and expectations, university policies and rules, and applicable law including, but not limited to:

(1) Volunteers are subject to reprimand or loss of volunteer status.

(2) Students are subject to the code of student rights, responsibilities, and conduct.

(3) Employees, including student employees, are subject to applicable disciplinary action up to and including termination.

(4) Suspension or termination of the use of university facilities for a program or activity.

Replaces: 3356-7-50
Effective: 12/31/2020

CERTIFIED ELECTRONICALLY

Certification

12/21/2020

Date

Promulgated Under: 111.15
Statutory Authority: 3356
Rule Amplifies: 3356
Prior Effective Dates: 03/31/2015