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**PROTECTION OF MINORS
(POM)
PROGRAM AND
GUIDELINES**

**CSU EAST BAY
PROTECTION OF MINORS (POM)
Procedures and Guidelines**

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PROTECTION OF MINORS (POM)

CSU East Bay is committed to provide a healthy and safe environment for all members of the campus community and visiting members of the public, including minors on campus. This program is meant to assist the campus community in protecting the safety of minors on campus.

The program applies to all University departments, organizations, employees, program supervisors, students and volunteers participating in programs such as: athletic camps, academic camps, licensed clinical facilities, instructional programs, and other organized programs and activities intended for Minors.

PROMOTING A CULTURE OF AWARENESS

- A. All employees, students and volunteers working in programs serving minors must have the protection of these minors as their first and highest priority. The most effective way to ensure the highest level of safety for minors is to establish and maintain on-going communication with internal programs involving minors and community programs in which the University plays a role.
- B. Besides physical and/or emotional abuse, the most prevalent risks for minors include facility hazards and accidents, falling objects, slip trip and falls, sports injuries, transportation accidents, custody problems, specifically, releasing the minor to the wrong party, discussion of adult topics with minors, inadequate supervision, unsupervised time, and medical conditions, such as allergic reactions. The more aware program supervisors and participants are about remediating possible risks, the more effective the outcome.
- C. All employees of the University must be diligent and observant to protect the safety of the University community and any guests, particularly minors. Pursuant to other University practices, and/or Federal and/or State laws and regulations, minors should not be left unattended and should not have access to certain facilities and environments including labs and rooms where equipment is present that have the potential of causing harm. If a parent or guardian brings his or her minor child to work, the parent or guardian is responsible for the minor's welfare and must ensure that the minor child does not visit such restricted locations.
- D. All employees, students and volunteers working in programs serving minors shall monitor access to minors in order to prevent child abuse allegations by adhering to the list below:
 1. Follow the [*POM Guidelines*](#).
 2. Avoid one-on-one situations without others in the area.
 3. Encourage the child buddy system. (2 minors or children working together)
 4. Employees, students and volunteers shall not have off-premises contact, after-hours contact or on-line contact with a minor or child without the parent or guardian present or copied on emails.
- E. All employees, students and volunteers working in programs serving minors should report suspicious and/or inappropriate behavior, and allegations of abuse to the University Police and or Office of Risk Management & Internal Control, if appropriate.

SCOPE

- A. This program applies to all University departments, employees, temporary employees, students, volunteers, interns, and to all University-affiliated programs involving minors whether held on-campus or off-campus.
- B. University departments who also have Laboratories must adhere to this program and also adhere to additional requirements found in POM [Laboratory Requirements](#)
- C. University stakeholders in the provision of services include but are not limited to Risk Management & Internal Control, Human Resources, Student Affairs, including Student Housing and Residence Life, Athletics, ASI, Recreation, Club Sports and Academic Programs involving youth.
- D. This program also applies to all Third Party Entities who use University facilities for programs involving minors, whether utilizing University Housing or not.
- E. Registered Student Organizations (RSO's) engaged in activities involving minors should work with the Student Life and Leadership Programs Office to assure compliance with this policy.
- F. This program does not regulate:
 1. Personal visits by minors with their parents or other family members (such as visits to a family member's office on campus, campus tour, or a pre-enrollment visit with a family member) where parents/guardians are expected and required to accompany and supervise minors at all times
 2. Programs (whether University-affiliated or Third Party Entities) that are geared toward a general public audience where parents/guardians are expected and required to accompany and supervise minors at all times (such as with general interest performances of the arts, intercollegiate athletic competitions, or community events).
 3. Social functions that may be attended by Minors who are accompanied by the parents/guardians.
 4. Organized school field trips or tours where Minors are under the supervision of their school.
 5. Minors who are enrolled as college students, either at the University or as a visiting student from another institution (e.g., a minor on another University's athletic team).
- G. Minors in Classrooms/Workplace
 1. CSUEB is not in a position to provide emergency child care, and no University space is to be used as an alternative to child care, including but not limited to libraries, classrooms, laboratories, residence halls, lounges, or any public space on campus. Under no circumstances are sick or infectious children to be brought onto campus.
 2. In general, the workplace and the classroom are typically not appropriate places for non-student, minor children to be present on a frequent or continuing basis.
 - i. Students should not bring minor children to class with them without prior approval from the instructor and the Deans office.
 - ii. Faculty should not bring minor children to work/classroom without prior approval from Department Chair and Dean.
 - iii. Staff should not bring minor children to work without prior approval from their Manager and Department Head.

PROGRAM

- A. **Purpose:** The Protection of Minors (POM) is a campus-wide set of guidelines, best practices and Risk Management measures designed to protect minors and effectively mitigate any risk or exposures. POM describes the responsibilities of program supervisors, and other authorized adults that may include faculty, staff, students and volunteers that work directly with, supervise, chaperone or otherwise oversee minors in these activities, and directs all members of the University community of their obligation to report any instances of known or suspected abuse or neglect of minors.

- B. **Commitment:** CSUEB is committed to ensuring that all programs, practices and services involving minors are safe and secure and will not tolerate any abuse or mistreatment of minors. This applies to all interactions with minors connected to the University, including all those interactions where University facilities are utilized, and all University-affiliated Programs.
- C. **Allegations of abuse or mistreatment of minors:** will be investigated and appropriate action taken. The University will comply with child abuse and neglect reporting obligations set forth in Federal, State law and Executive Order (s).
- D. **Responsibilities:**
1. **Departments are responsible for and required to:**
 - Obtain authorization through the Office of Risk Management & Internal Control prior to hosting University-affiliated Programs involving minors, regardless of whether or not those programs utilize University Facilities.
 - Assign a Program Supervisor who serves as primary contact person on all aspects of the program.
 - Upon authorization, the department, specifically the Program Supervisor, must at all times, comply with University policy, procedures and guidelines with regard to the protection of minors.
 2. **The Office of Risk Management & Internal Control (Risk Management) will take administrative responsibility for this policy by:**
 - Interpreting the policy for the campus, and revising the policy as necessary.
 - Serving as the central role in authorizing programs for minors.
 - Consulting with the Program Supervisor regarding programs involving minors.
 - Maintaining an inventory of programs and activities involving minors on campus.
 - Offering on-line training opportunities to inform employees about best practices with regard to working with minors.
 - Conduct routine assessments of the program activities and verify the program is in compliance.
 3. **Program Supervisor is responsible for and required to:**
 - Serve as the primary contact person on all aspects of the program.
 - Take responsibility to plan the activities intended for minors either for a University-affiliated program or a third party entity.
 - Use the authority granted within this policy for making decisions concerning the program and is responsible for ensuring that protection of minors is the top priority.
 - Take the appropriate steps to verify the program is in compliance by reviewing, understanding, and following the POM guidelines.
 - Insure all program staff and volunteers are qualified for the activity and have reviewed and understand this program.
 - Insure all program staff and volunteers have met the training requirements for the program and have completed the training.
 - Provide the POM Code of Conduct to all program staff, volunteers or other individuals and groups that work with minors for review and keep completed forms on file for one year after the event.
 - Periodically observe activities involving minors to ensure the activities are managed in accordance with this program.
 4. **Program Staff , Employees, Temporary employees, Students, Volunteers, interns, and any other adults working directly with minors are responsible for :**
 - Following this program when supervising or working with minors.
 - Report suspected abuse, neglect, or other harm to minors as outlined in [EO183](#) .
 - Review and complete the POM Code of Conduct and provided completed form to Program Supervisor.

- Complete appropriate training as assigned by Risk Management.
- E. **Minimum Staffing Ratio of Adults to Minors:** Program supervisors should make every effort to ensure all activities involving minors will follow the “rule of three,” i.e. at least three people will be involved in all aspects of the activity when possible. The program preference is at least two adults be involved, with one of the adults being a campus employee, however; two minors and one adult is an acceptable combination. At a minimum the program supervisor must follow the staffing ration of adults to minors provided by the *American Camp Association listed below.*

Participant Age	Number of Staff	Number of Overnight Participants	Number of Day Only Participants
4-5	1	5	6
6-8	1	6	8
9-14	1	8	10
15-17	1	10	12

- F. **One-on-one interaction with minors:** Private or secluded face-to-face interactions between one adult and one minor should not be permitted unless being conducted by a Health Care provider in a clinical setting or a requirement of the program, such as private music lessons. One-on-one, face-to-face interactions between an adult and a minor may be permitted if in plain sight of passersby, witness or in a public setting. Refer to the [POM Guidelines](#) form.
- G. **Liability:** The Program Supervisor shall obtain from every participant the signed [Minors on Campus Consent and Release of Liability](#) Form.
- Note:** A wet signature is required for liability forms involving minors.

PROCEDURES FOR UNIVERSITY AFFILIATED PROGRAMS WITH MINORS

- A. **Register the program:**
1. The Program supervisor must register the program with Risk Management by completing a [Registration Approval](#) Form for Programs with Minors and submit to the Office of Risk Management & Internal Control for review and approval at least 14 days prior to the start of the program.
 2. The Office of Risk Management & Internal Control shall authorize all programs/services to minors prior to commencement of the program. Only authorized and designated adults (over the age 18) may supervise, chaperone or otherwise oversee minors in programs.
 3. Risk Management will return approved registration form to Program supervisor prior to the start of the program.
- B. **Background checks:**
1. Program supervisor is responsible to verify all Program Staff and Volunteers have met the appropriate Background check requirements. Refer to the POM [Program Guidelines](#) for details.
- C. **Training:**
1. Program supervisor to assign appropriate training following POM Guidelines.

2. Program Supervisor, staff, faculty, students and volunteers working with minors shall review and sign the POM [Code of Conduct](#) Form prior to commencement of the program.
3. Program Supervisor will retain the signed POM code of Conduct forms for a minimum of one year

D. Forms:

1. **Liability Forms:** Obtain form prior to or on the first day of program participation by any minor. *Note: Minors may not participate in the program if they do not submit a signed liability form.*
2. **Medical authorization Forms:** The Program Supervisor shall obtain information concerning special needs, medications and allergies from all minors participating in the program and develop appropriate emergency and notification procedures.
3. **Risk Assessment Form:** Program Supervisor to verify risk assessment has been completed. Use appropriate POM [Facility Risk Assessment](#) form.
4. **Program check list:** The Program Supervisor should use the POM [Program Checklist](#) as a guide to assure all necessary requirements have been completed.

Glossary:

- A. **Minor:** any person under eighteen (18) years of age.
- B. **Program Supervisor:** the person responsible for planning the activities intended for minors whether for a University-affiliated program or a third party entity. The Program Supervisor has the authority for making decisions concerning the program and is responsible for ensuring that protection of minors is the top priority.
- C. **Program Staff:** Authorized administrators, faculty, staff, students, over the age of 18 who work with, supervise, chaperone or otherwise oversee Minors on campus.
- D. **Volunteers:** Participants working with minors who are not Program Staff. Prior to participating in a campus activity involving minors, volunteers must read and sign the Volunteer Identification Form.
- E. **Background check/Live Scan/National Registry:** The required methods of criminal background check for program staff, student assistants, students & volunteers working with minors. Refer to the POM Guidelines or contact Risk Management for assistants in determining appropriate method.
- F. **Child abuse or neglect:** Refers to physical injury or death inflicted by other than accidental means on a child; sexual assault or sexual exploitation of a child including sexual intercourse between a child under 16 years of age and a person 21 years of age or older, lewd or lascivious acts, and child molestation; negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare; willful harming, injuring, or endangering a child; and unlawful corporal punishment.

Appendices:

- A. POM [Program Guidelines](#)
- B. POM [Laboratory Requirements](#)

Forms:

- A. Registration Form for Programs of Minors - [Registration form](#)
- B. POM Program Check list - [Checklist](#)
- C. POM Code of Conduct - [Code of Conduct](#)
- D. POM Facility Risk Assessment - [Facility Risk Assessment](#)

- E. Minors Release of Liability - [Consent and Release of Liability Form](#); [Consent and Release of Liability Form - Includes photography](#)
- F. Incident/Accident Report [Non-Employee Accident -Incident Report](#)
- G. Campus Affiliation Request Form (volunteer form) - [Volunteer Form](#)

REFERENCES, REGULATIONS, RESOURCES

The following references to other University program guidelines and state/federal law provide additional information and tools for planning and executing a program or activity in which minors may participate:

- A. US Department. of Education Higher Education Opportunity Act:
(<https://www2.ed.gov/policy/highered/leg/hea08/index.html>)
- B. Child Abuse and Neglect Reporting Act (CANRA) and CSU EO 1083/Child Abuse and Neglect (or any superseding EO) (<http://www.calstate.edu/eo/EO-1083.html>)
- C. EO 1096/System wide Policy Prohibiting Discrimination, Harassment and Retaliation Against Employees and Third Parties (<http://www.csueastbay.edu/af/departments/risk-management/investigations/files/docs/systemwide-policy-prohibiting.pdf>)
- D. EO 1095/Implementation of Title IX, VAWA/Campus Save Act, and Related Sex Discrimination, Sexual Harassment and Sexual Violence Legislation:
(<http://www.csueastbay.edu/af/departments/risk-management/investigations/files/docs/eo-1095-rev-6-23-15.pdf>)
- E. CSU HR 2016/08/Background Checks (or any superseding EO or Tech Letter)
(<http://www.calstate.edu/hradm/pdf2015/hr2015-08.pdf>)
- F. EO 1083 – Mandatory Reporting of Child Abuse and Neglect
(<http://www.calstate.edu/eo/eo-1083-rev-7-21-17.html>)