

Policy on Protection of Minors on Campus

PURPOSE

Frostburg State University (“FSU”) is dedicated to ensuring the safety and protection of minors participating in university-related and non-university-related activities on its campus. This policy outlines the requirements for University members involved in programs or activities with minors and sets requirements for non-University organizations operating such programs on campus. It also covers employment restrictions for minors working at FSU, whether in paid or unpaid roles.

SCOPE

This policy applies to all Frostburg State University (“FSU”) sponsored programs, programs held at FSU, and/or programs housed in FSU facilities that involve the participation of Minors. This policy applies to any such programs, activities, or housing, regardless of the duration of activity, program, or length of stay. Examples of such programs, activities, or housing opportunities governed by this Policy include, but are not limited to, summer camps, academic camps, outreach activities, workshops, conferences, tutoring, educational programs, clinical supervision provision, licensed childcare facilities and programs, and activities operated, sponsored, and/or supported by an Affiliate. All such programs, activities, and/or housing of Minors are required to comply with applicable laws and regulations.

With the exception of FSU’s obligations to report Child Abuse or Neglect, this policy does not apply to: (1) events on campus that are open to the general public and which Minors attend at the sole discretion of their parents or legal guardians or (2) private events where Minors attend under the supervision of their parent, guardian or supervising adult.

DEFINITIONS

- **Abuse or Neglect of Minors:** Infliction of physical or mental injury, sexual abuse or exploitation, or negligent treatment of a person under age 18. This includes, but is not limited to, sexual acts or contact with minors, causing or exposing minors to sexually explicit conduct, and failure to prevent abuse.
- **Affiliate:** An entity that has a relationship with FSU authorized by the Board of Regents or by law or contractual agreement, for example, faculty practice plan organizations, Frostburg State University Foundation Inc. (FSUF) and other affiliated foundations, recognized incorporated alumni associations, recognized affiliated business entities, and other University System of Maryland institutions.
- **Authorized Adult:** Individuals 18 and older, paid or unpaid, interacting with, supervising, or overseeing minors in program activities or facilities. This includes faculty, staff, volunteers, Affiliates, and contractors, who are mandated reporters under Maryland law.

- **Campus:** All buildings, facilities, and properties owned, operated, managed, or controlled by FSU.
- **Child or Minor:** Any person under the age of 18. FSU students under 18 are treated as other students in terms of interactions with minors in University programs.
- **Direct Contact:** Positions involving care, supervision, guidance, or control of minors.
- **Indirect Contact:** The potential for occasional contact with Minors in common areas (e.g., hallways, cafeterias, athletic facilities) or due to an invitation to participate in a Youth Program.
- **Mandatory Reporter:** Individuals who must report any and all suspected or known child abuse or neglect. All FSU employees are designated mandatory reporters.
- **Procedures:** Means procedures established by the University to implement this Policy. The Program, Registration, Activity, and/or Housing Procedures may be amended from time to time without the need to amend this Policy.
- **Sponsoring Unit:** The academic or administrative unit of FSU offering or approving programs or activities for minors.
- **University Community:** FSU faculty, staff, and students.
- **University-run or -affiliated programs:** Programs operated or sponsored by FSU or involving its community members in their University roles.
- **Youth Program:** Any event, activity, tour, or experience for Minors offered by FSU (whether held on or off FSU premises) or by an Affiliate or a Third Party operating at FSU Facilities, where the Youth Program Staff are responsible for providing Direct Contact of Minor(s).
- **Youth Program Administrator:** Person(s) who has the primary operational responsibility for managing a Youth Program that includes Minors, appropriate supervision of all Authorized Adults, and compliance with this Policy. Serves as the minor's liaison to the Event Services Office.
- **Youth Program Staff:** Individuals who may provide Direct or Indirect Contact with a Minor through a Youth Program.
- **Volunteer:** Person(s) who provide services or perform duties for the University without receiving compensation.

POLICY

General Guidelines and Responsibilities

The University community must protect minors' well-being, be aware of abuse signs, report suspected abuse or policy violations, and comply with training and background check requirements before participating in programs with minors. FSU community members must:

- Always be vigilant in protecting the well-being and safety of minors with whom they interact on campus or elsewhere.
- Review the informational material about the signs of abuse and neglect of minors.
- Watch for signs of minor abuse or neglect and promptly report suspected instances of abuse or neglect, violations of this policy or law.

- Before engaging in any University-run or -affiliated program or activity involving contact with minors: register the program with Event Services, meet the requirements of this Policy relating to criminal background checks and required training; and meet any additional requirements that relate to the specific program or activity.

University faculty and others on campus who interact in classes with students enrolled through the dual enrollment program are not obligated to undergo the training or background checks required by this Policy. However, anyone covered by this policy who knows, or suspects abuse or neglect must make a report to University Police as required by this policy.

Non-University organizations and entities that operate programs or activities involving minors on campus must be aware of and comply with this Policy. To the extent University faculty, staff, volunteers, or students are participating in programs or activities run by a non-University organization or entity off campus, they should familiarize themselves with, and follow the policies of the organization relating to interactions with minors and understand their legal obligations with respect to working with minors in the program setting.

Youth Program Requirements

A Sponsoring Unit offering or approving a program that involves minors, provides University housing for minors participating in a program, or a non-University group hosting a program on the FSU Campus must adhere to the following guidelines and restrictions at Frostburg State University (FSU).

The Youth Program Administrator or their designee shall register the program or activity with the Event Services Office with sufficient advance notice to meet the requirements and intentions of this procedure. Requirements may include training and background checks which may take 10 - 15 business days. All supporting documents must be kept until the later of (a) the date on which each participant in the program, activity and/or housing opportunity has reached the age of 21 years, or (b) three years after the participants' last engagement in such program, activity and/or housing opportunity.

1. Registration
 - A. An FSU Youth Program Sponsor must register and update a Youth Program annually by the start of each new fiscal year (i.e., July 1).
 - B. A new Youth Program must be registered no later than 30 days prior to communicating to family members and Minor(s) regarding the launch of the Youth Program or advertising the program, whichever occurs first.
 - C. Each Sponsoring Unit must identify a Youth Program Administrator or Director who will be responsible for ensuring that the department, unit, Affiliated Entity, or Outside Entity fulfills the requirements of this Policy and the Procedures. The Administrator may serve in this role for multiple FSU administrative units, Affiliated Entities or Outside Entities, as needed. The Administrator shall:

- i. Gather and retain information about Minor participants as required by applicable law and regulation, including this policy and associated procedures.
- ii. Gather and retain information on each proposed program, activity, and/or housing opportunity.
- iii. Obtain a waiver and consent signed by the parent or guardian of the participant Minor, unless the participation of the Minor is part of a school sponsored field trip in which a waiver and consent form was completed as part of participation in the field trip.
- iv. Maintain rosters of program, activity and/or housing participants and copies of parent or guardian waiver and consent for participation in each, until the later of (a) the date on which each participant in the program, activity and/or housing opportunity has reached the age of 21 years, or (b) three years after the participants' last engagement in such program, activity and/or housing opportunity.
- v. Require fingerprinting for all proposed FSU Youth Program Staff for all Programs and Activities involving Minors.
- vi. Report immediately any incident involving injury to a Minor, disruption of University activity by a Minor, or dismissal of a Minor from a program, activity, and/or housing opportunity to the Event Services Office.
- vii. Complete the required training(s) from Event Services including Protecting Youth: Abuse & Neglect Prevention.

2. Health and Safety

- A. Each FSU Youth Program Sponsor must obtain written consent for participation from a parent or guardian using a FSU-approved form for each participant to be involved.
- B. Each FSU Youth Program Sponsor must obtain written medical information and medical treatment authorization forms and authorization for emergency medical treatment or transportation from a parent or guardian using a FSU-approved form for each participant to be involved.
- C. Each FSU Youth Program must establish a communication plan that allows for reliable and immediate contact with the parent/guardian of any Minor participating in the FSU Youth Program. If an incident or accident occurs, Youth Programs are required to follow [FSU Emergency & Crisis Response Procedures](#).
- D. Each FSU Youth Program must create and maintain an Emergency Response Plan (ERP) for the Youth Program.

3. Restrictions

- A. Generally Prohibited Minor Areas
 - i. The following research areas are generally prohibited for Youth Programs, except with approval from Safety & Risk Management and following appropriate background checks/restrictions:
 1. All animal care facilities.

2. All laboratories that use or store Risk Group 3 human etiological agents as defined in the NIH Guidelines. The list of NIH Risk Group 3 agents can be found in the [NIH Guidelines](#).
 3. All human anatomical laboratory areas.
 4. All participation in human subjects research unless approved by the FSU Institutional Review Board (IRB).
- B. Transportation of Minors
- i. The following restrictions apply to Youth Programs that involve the transportation of Minors:
 1. The transportation of Minors in personal vehicles is not authorized.
 2. A permission and waiver of liability form signed by the parent/guardian of the Minor being transported must be on record in the Youth Program registration form prior to transporting a Minor.
 3. FSU Personnel who are responsible for transporting Minors must have a valid CDL or other appropriate driver's license for the type of transport they are using for the Minor(s) and must have been subject to a Maryland driver records check within the last twelve (12) months that shows a clean driving record.
 4. Minors are not authorized to drive any FSU or Youth Program vehicle.
4. Emergency Contact and Medical Requirement Guidelines
- a. The Sponsoring Unit must establish written emergency plans for the Youth Program. Such emergency plan must include procedures for the notification of the minor's parent/legal guardian in case of an emergency or other significant program disruption. Authorized Adults associated with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the minor's participation in the program.
 - b. The Sponsoring Unit offering residential programs at FSU facilities must provide a list of all program participants and a directory of program staff to Event Services. This list shall include:
 - a. The participant's name;
 - b. The participant's room assignment (if applicable);
 - c. The participant's gender and age;
 - d. The participant's address; and
 - e. The participant's parent or legal guardian phone number(s), as well as emergency contact information.
5. Medical Treatment Authorization Form
- A. The Sponsoring Unit must provide a Medical Treatment Authorization form. All forms must include the following:
 - i. A statement informing the parent/legal guardian that the University does not provide medical insurance to cover medical care for the minor.

- ii. A statement authorizing the release of medical information and emergency treatment in case the parent/legal guardian/emergency contact cannot be reached for permission.
 - iii. A statement requesting a list of any physical, mental or medical conditions the minor may have, including any allergies that could impact his/her participation in the program.
 - iv. A statement requesting all emergency contact information including name, address, and phone number of the emergency contact.
6. Supervision of Minors
- A. FSU must ensure adequate supervision of minors while they are on University property. All activities involving minors must be supervised by Authorized Adults and Counselors at ratios [as required by the Maryland Department of Health](#) regardless of whether such Youth Program meets the definition of a Youth Program according to COMAR. Factors to consider in determining “adequate supervision” include:
 - a. The number and age of participants;
 - b. The activity(ies) involved;
 - c. The type of housing if applicable; and
 - d. The age and experience of the counselors.
 - B. Supervision and Staffing Requirements
 - a. FSU also requires the program to provide and supervise trained counselors (also considered to be Authorized Adults) who must be at least 18 years of age. The ratio of counselors to program participants must reflect the gender distribution of the participants, at ratios [as required by the Maryland Department of Health](#).
 - C. Program Rules and Discipline Measures
 - a. All supervised minor participants in a FSU program or a program taking place on FSU property are permitted in the general use facilities [e.g. athletic fields, public spaces, academic buildings] but may 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.
 - b. Youth Program Administrators are responsible for developing and making available to participants the rules and discipline measures applicable to the program. The following must be included in the sponsoring unit’s program rules:
 - i. FSU prohibits participants from leaving the University campus.
 - ii. FSU prohibits participants from possessing or using alcohol and/or other drugs, fireworks, guns and other weapons.
 - iii. FSU prohibits participants from using or promoting violence, including sexual abuse or harassment.
 - iv. FSU prohibits participants from hazing in any form.

- v. FSU prohibits participants from bullying including verbal, physical, and cyber bullying.
 - vi. FSU prohibits participants from stealing. Theft of property, regardless of owner, will not be tolerated.
 - vii. FSU prohibits participants from smoking. No use of tobacco products will be tolerated, including the use of electronic cigarettes.
 - viii. FSU prohibits participants from misusing or damaging University property. Charges will be assessed against those participants who are responsible for damage or misuse of University property.
 - ix. FSU prohibits participants from inappropriately using cameras, imaging, and digital devices, including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
- D.** Program participants and staff must abide by all FSU regulations and may be removed from the program for non-compliance with the rules. Disciplinary measures may vary depending on the severity of the violation. Disciplinary measures may include, but are not limited to:
- a. Suspension from participating in an activity in the program (e.g., requiring a participant athlete to forfeit his/her right to participate in a program competition);
 - b. Expulsion from the program;
 - c. Monetary damages (e.g., for vandalism, theft, etc.); and/or
 - d. Criminal charges.
- E.** Other Prohibited Activities.
- a) Minors who are the children, relatives and/or acquaintances of University faculty, staff, and/or students may not be in a Prohibited Area unless participating in an approved program or activity or tour. (The presence of Minors in other areas, whether or not the Minors are related to faculty, staff and/or students, is discouraged and may be prohibited by FSU or departmental policy.)
 - b) Minors participating in a program or activity are not permitted to participate in off-campus travel as part of that program or activity unless the travel was described in the request for approval of the Youth Program, and in the consent form signed by the parent or legal guardian.
 - c) Minors are permitted to remain in FSU facilities after normal work hours only with adequate supervision as outlined in this policy.
- F. Tours Involving Minors**
- a. Any tour for areas not normally accessible to the public and which include Minors must be approved in advance by the appropriate Youth Program Administrator. (Approval will not be required for tours of areas normally accessible to the public such as prospective student tours of campus)
 - b. A tour that includes any Prohibited Area or Hazardous Location may not be conducted for any Minor below the age of thirteen.

- c. A tour of a Prohibited Area or Hazardous Location may be conducted for Minors thirteen and older only upon satisfaction of the following requirements:
 - i. The Sponsoring Unit for the tour must be identified to the Youth Program Administrator.
 - ii. The Sponsoring Unit must obtain agreement from, and coordinate the tour with, the administrator(s) responsible for the area(s) to be toured.
 - iii. Approval of a tour may be subject to specific department or location conditions (e.g., ratio of participants to guides; time of day).
 - iv. The Sponsoring Unit must give participants a safety briefing before the start of the tour.
 - v. A University faculty or staff member who is knowledgeable of the hazards of each tour area must accompany participants at all times that the tour is in that area.
 - vi. If required, appropriate personal protective equipment and instruction on its proper use must be provided to tour participants.
 - vii. Tours shall not enter areas that require respiratory protection.

G. Student Organization Programs Involving Minors

- a. Any student organization program for a group of or including Minors must be approved in advance by the Event Services Office and have a designated Youth Program Administrator.
- b. Any program must be held in an open area space with no less than 3 student organization members.
- c. No programs where one on one interactions with Minors may occur without oversight of an Authorized Adult.
- d. Student organization members must review this policy with the Youth Program Administrator or supervising adult prior to authorization of program.
- e. Minors must be supervised according to the requirements outlined in this policy.
- f. Activities and programs that involve student volunteers and/or student organizations must provide documentation that an Authorized Adult will be present at the activity.

7. Criminal Background Checks

- a. Authorized Adults with Direct Contact with Minors participating in a Youth Program are required to complete pre-employment criminal and sex offender background checks. FSU will follow all federal, state and local laws to conduct these background checks as well as USM 1.15 Policy on Criminal Background Checks for Faculty and Staff Employees:
<http://www.usmd.edu/regents/bylaws/SectionVII/VIII115.pdf>.
- b. It is the responsibility of the Youth Program Administrator or Administrator's designee to ensure that each participating adult has

submitted the [background check](#) request information and has subsequently received clearance to participate for each program serving youth.

- c. A prior conviction shall not automatically disqualify a person from participating in a program or activity.

8. Training Requirements

- a. FSU Youth Program Sponsors, Youth Program Administrators, Authorized Adults and Youth Program Staff must complete all required annual training.
- b. Upon registration of your event with Event Services and providing your listing of staff, Event Services will register your staff with Vector Solutions and assign the relevant training courses.
- c. Youth Programs must maintain documentation of all training completed and submit reports as required.
- d. Training is provided by the Vector Solutions. Each applicable worker is required to participate in the training within 10 business days of their employment. Training may be expanded depending upon the program or activity and the persons role in the program or activity
- e. Non-University organizations and entities that wish to operate programs or activities involving minors on campus must provide documentation to the University indicating that all individuals who will be interacting with minors (and anyone who supervises such individuals) have received training that meets or exceeds the minimum requirements of this section.

Reporting Requirements

FSU adheres to the [University System of Maryland's policy on reporting suspected child abuse and neglect](#), requiring immediate reporting to University Police and follow-up within FSU. All FSU Personnel, Youth Program Staff, Affiliates, and Third Parties are mandatory reporters of witnessed or suspected instances of child abuse and/or neglect.

- a. Individuals must report all suspected or known incidents of child abuse and/or neglect, regardless of the perceived seriousness of the incident, as required by Maryland Annotated Code, Family Law Article, Sections 5-704(a) and 5-705(a), and as required by regulations of the Maryland Department of Human Services.
- b. If a Minor is ever in imminent danger or the abuse is in progress, a reporter should call 911 and immediately report the circumstances surrounding the danger or abuse.
- c. Your report of suspected child abuse *must* be made to University Police immediately or as soon as practically possible. The University Police can be reached at (301) 687-4222.

Violations of Policy

Failure to follow the requirements of this Policy may result in suspension of an approved program, activity and/or housing opportunity, cancellation of a planned or ongoing tour, and/or ineligibility to serve as a Youth Program Administrator, Sponsoring Unit or in any other capacity. It may also result in discipline, up to and including termination of employment, dismissal from the University, denial of access to the University and/or disqualification for participation in future volunteer activities.