

MONTCLAIR

STATE UNIVERSITY

Policy for the Protection of Minors	
Responsible Office:	Student Development and Campus Life- Conference Services
Policy Summary:	Provides minimum University-wide standards for the protection of individuals under the age of 18 while on University property or participating in University programs
Effective Date:	10/14/2021
Last Revision Date:	

I. Purpose

The purpose of the Policy and Procedures for the Protection of Minors ("Policy and Procedures") is to provide minimum University-wide standards for the protection of persons under the age of 18 while on University property or participating in University programs.

II. Applicability

This Policy is applicable to all programs and services sponsored by the University or taking place on University-owned or leased property and involving persons under the age of 18.

Except for the reporting of child abuse which applies to all situations involving minors on campus, the Policy does not apply to:

- Persons who are enrolled as matriculated, degree seeking students and persons attending regularly scheduled credit-bearing courses, or enrolled through an Early College Agreement with the University.
- Public events sponsored by the University or held on campus in which minors attend as audience at the sole discretion of their parent or legal guardian.
- Montclair State University degree-seeking students in direct contact with minor youth through practicum, clinical experience or internship experiences, at off-campus sites operated and controlled by third parties and governed by the third party's policies and procedures.

III. Definitions (as applicable)

The following terms shall have the meaning assigned whether they are capitalized in the Policies and Procedures.

Abuse – defined by New Jersey State Law for purposes of **N.J.S.A. 9:6-8.10**, is the physical, emotional or sexual abuse, abandonment, cruelty or neglect of a child under the age of 18 caused by a parent or other person who acts as a caregiver for the child.

Authorized Adult – Individual(s), paid or unpaid, who is (are) authorized to supervise or regularly chaperone minors. An authorized adult must be at least eighteen (18) years of age. An Authorized Adult includes Trained Adults and Trained Assistants.

Background Investigation – A review of a person's criminal history, sex offender registry and/or child abuse/neglect records.

High Risk Activities – Any recreational component, sport or activity which exposes a participant to a life-threatening or serious injury because of the inherent danger of the activity, and which requires a high level of adult supervision at all times.

Medication Administrator – An adult aged 18 or over who is designated to keep medical records, dispense medication, and provide care and treatment of minor participants. Qualified individuals include licensed physician, registered nurse, certified athletic trainer, individual certified as a paramedic, first responder/CIM accredited, or individual certified in Standard First Aid-level training or equivalent such as CPR-First Aid-Lifeguarding-Trained Pool Operator. The University's Occupational Health Office is available to provide first aid certification training to University employees to act as medication administrators. Montclair State University student Emergency Medical Technicians may provide this training to students who wish to serve as medication administrators. Medication Administrators must successfully complete training in CPR or First Aid Certifications from one of the following: American Red Cross, American Heart Association, National Safety Council, Emergency Care and Safety Institute, or American Safety and Health Institute. Recognized Lifeguarding Certifications includes American Red Cross, Starfish Aquatics Institute, Boy Scouts of America, National Pool and Watermark Lifeguard Training, Young Men's Christian Association (YMCA), National Aquatics Safety Company (NASCO), and International Life Saving Federation (ILSA), prior to the start of the program.

Minor – A person under the age of eighteen (18).

Neglect – as defined by New Jersey State Law for purposes of **N.J.S.A. 9:6-8.10**, occurs when a parent or caregiver fails to provide proper supervision for a child or adequate food, clothing, shelter, education or medical care although financially able or assisted to do so.

One-on-One Contact – Private, unsupervised interaction between one person for whom this policy applies, and a minor, without at least one other trained staff, parent or legal guardian being present.

Program – Any activity with a minor when unaccompanied by a parent or legal guardian, of a duration of more than one day whether sequential or not. Programs include those activities offered by the University, or by any third-party entity using University facilities, including but not limited to workshops, camps, clinics, conferences, pre-enrollment visits, performance ensembles, classes and private lessons.

Serious Injury or Illness – A serious injury or illness is defined as one that:

- Required professional medical treatment
- Affected the head, neck or spinal cord injury, or required restriction of activity or motion
- Rendered a participant unconscious
- Resulted in premature termination of participation in the program/activity
- Resulted in death
- Trained Adults with the program, participants and their parents/legal guardians, must be advised of the notification procedure in writing, prior to the participation of the minors in the program.

Sponsoring Unit – The department or unit of the University, or external entity that offers a program or gives approval for use of University facilities.

Third Party Entity – External organization or agency that utilizes University facilities to host a program for minors.

Trained Adult – An individual, paid or unpaid, who is aged 21 or over, and who is authorized to supervise, chaperone or otherwise oversee minors and Trained Assistants in program activities or University facilities including residential facilities. This includes but is not limited to faculty, staff, volunteers, graduate students, interns, employees of temporary employment agencies, and independent contractors of the University. The role of the Trained Adult may include, but not be limited to, positions as lead coordinator, instructor, counselor, chaperone, or coach.

Trained Assistant – An individual who serves as a counselor, chaperone or otherwise assists with minors in program activities, or manages University facilities, under the training and supervision of a Trained Adult. Trained Assistants must be at least 18 years of age.

Unaccompanied Minor – A person under the age of 18 whose parent or legal guardian is not present during the minor's participation in a University Sponsored Program.

University Sponsored Program – A program or activity initiated and operated by any unit of the University by or a student organization of the University.

Volunteer – An individual providing services on behalf of the University or a Third Party Entity for no remuneration or expectation that they will be compensated. A volunteer may include, but not be limited to, interns or students.

IV. Policy

Programs involving unaccompanied minors must operate in accordance with this Policy and the associated Procedures and Standards. All contracts with Third Party Entities for use of University facilities or delivery of services to minors must require compliance with, and incorporate by reference, this Policy and associated Procedures and Standards. The University reserves the right to require proof of compliance.

Policy Obligations

1. Mandatory Reporting of Suspected Child Abuse and Neglect

Pursuant to **N.J.S.A. 9:6-8.10**, all persons are required by law to report suspected child abuse or neglect. Anyone who suspects that a minor has been subjected to physical, emotional or sexual abuse, abandonment, cruelty or neglect must immediately notify the Montclair State University Police Department ("MSUPD") at 973-655-5222. Any person who has reasonable cause to believe that a minor has been subject to abuse or neglect is required by state law to report it to the New Jersey Department of Children and Families' hotline by calling 1-877-NJABUSE (1-877-652-2873). Montclair State University will not retaliate against anyone who reports a reasonable belief that a minor has been subject to abuse or neglect.

2. Criminal History Background Checks & Self-Disclosure Reporting

Background Investigation and self-disclosure forms are required for all individuals who will have direct contact with minors including University employees and students, temporary workers, and volunteers. Background Investigations must be completed before any contact with a minor may commence, and must be repeated every 5 years. Third Party Entities must also perform background investigations upon individuals having contact with minors, and verify such individuals are not subject to a background check report containing adverse information. If the Third Party Entity's background investigation indicates a record of sexually based offenses, crimes against minors, or any other adverse information, the Third Party Entity shall exclude such individuals from participation in the program immediately, and report the information to University Police. The Third Party Entity shall retain background check reports in accordance with all applicable laws.

3. Conduct Expectations

Sponsoring units must provide to staff, participants and parents/legal guardians, the University's expectations regarding conduct with minors. Individuals who have direct contact with minors, and minors themselves, may not engage in the following conduct:

- a. Intoxication, use or possession of alcohol, marijuana, synthetic marijuana, illegal drugs, tobacco or vaping products
- b. Use or possession of fireworks, guns, knives, explosives and other weapons
- c. Allowing, encouraging or performing any action that can reasonably be considered as abusive toward, or in the presence of a minor, including but not limited to verbal, emotional, physical or sexual abuse, harassment, bullying, cyber bullying, striking, hitting, poking, punching, spanking, restraining, and/or corporal punishment

- d. Touching of an inappropriate nature, engaging in rough, or sexually provocative games, horseplay, showering, massage, undressing, profanity, using or responding to sexual innuendo, and making sexually suggestive comments, engaging in romantic or sexual conversations or related matters, unless required in the role of psychological counselor or medical provider
- e. Asking minors to keep secrets from their parent, legal guardian or other adults, or using language such as “this is just between us”
- f. One-on-one direct electronic contact with participants
- g. Use of phones, cameras, imaging and audio recording devices in showers, restrooms, lockers, dressing rooms, sleeping quarters and other areas where privacy is reasonably expected
- h. Viewing, sharing, providing or assisting to provide access to sexually explicit material
- i. Giving gifts to and accepting gifts from any minor or their families
- j. Meeting with minors outside of established times or locations for program activities
- k. Neglecting the health or welfare of a child

4. Training

Prior to the first day of a program, individuals serving in Trained Adult and Trained Assistant roles must successfully complete required training and receive written guidelines/instructions regarding: measures to prevent abuse of minors and duty to report suspected child abuse and neglect; measures to maintain adequate supervision and prevent injury; measures to address medical needs, medication administration, immunizations and communicable diseases; and measures to address emergency situations involving minors.

5. Supervision and Facilities

Sponsoring Units must adopt and implement rules for proper supervision of minors by two or more trained staff in accordance with minimum staffing and supervision guidelines contained in procedures and guidelines, from time of arrival to departure. One-on-One Contact with minors is prohibited unless it is integral and essential to the methodology of the program (e.g. a private music lesson or individual psychotherapy counseling session) and with additional reasonable and appropriate measures for transparency and minor protection. Bathroom facilities must be provided for programs that operate for 4 hours or more. Supervision rules must include plans to address usage in specific types of facilities, illness and medication administration, and weather conditions. Hydration and adequate weather protection measures must be readily available and accessible at all times.

6. Vehicles and Transportation

Minors may be transported by University Police and Emergency Medical Services, or in a University owned vehicle, operated by a University employee, or in a vehicle operated by a Third Party Entity subject to compliance with insurance and licensing requirements, safety standards, prior written permission from a parent or legal guardian and proper

record keeping. Minor participants may not be transported in vehicles owned by University program staff, and may not operate or park motor vehicles on campus.

7. Health Requirements and Medical Care

Sponsoring Units must collect and retain participant immunization attestation, health history records, authorization for emergency medical treatment, and release of medical information; properly store and deliver medication, first aid, and medical treatment; and designate a trained medication administrator when overnight stay, high risk physical activity, or more than minimal recreational activities is involved, or when the participant or their parent cannot self-administer required medications. The Student Health Center does not provide medical care to minors who are not enrolled as Montclair State University students.

8. Emergency Response and Notifications

Sponsoring Units must establish protocols for parental notification in case of emergency, medical or behavioral problems, natural disasters or other significant program disruptions and ensure that the phone number to University Police or local police is posted in a prominent place. For off-campus programs, prior to the start of the program the Sponsoring Unit shall identify a medical provider and nearest hospital, and confirm access to medical care. In the event of a serious medical, weather, missing child or other emergency incident, the Sponsoring Unit shall immediately request emergency response, follow established program protocols, and take reasonable actions to ensure the safety of all minor participants. If a minor sustains a serious injury or illness off-campus, the Sponsoring Unit shall notify parents and report the incident to University Police and the University Risk Manager as soon as possible.

9. Record Keeping, Retention and Destruction

Sponsoring Units must identify all individuals in direct contact with minors, track compliance with background check and training requirements and notify University Police and Emergency Medical Service of the presence of minor youth of campus. The Sponsoring Unit or unit contracting with a Third Party Entity shall collect and maintain on file all participant records required by this policy for the period of time identified in the State of **New Jersey's Record Retention Schedule** applicable to Four Year Colleges and Universities, or until the minor participants of the program attain the age of 23 years, whichever is longer. Records may not be destroyed until after a request is submitted to and approved by the State of New Jersey through Artemis.

10. Insurance and Indemnification

University Sponsored Programs delivered by University employees are subject to the **New Jersey Tort Claims Act, N.J.S.A. 59:1-1**, et. seq. and the University's Indemnification Policy. Third Party Entities must enter into a written agreement with the University for use of University Facilities which include the MSU Standard Terms and Conditions as well as agreement to comply with the requirements of the Protection of Minor Youth Policy and Procedures.

Penalties for Noncompliance

All contracts with a third party that provides programs or services on behalf of the University or on University property that involve minors shall require compliance with the Policy and Procedures, and permit termination of the contract in the event of non-compliance. Employees of the University who fail to comply with this policy may be subject to discipline in accordance with any applicable collective bargaining agreement and applicable law, which may include termination of employment. Students of the University who fail to comply with this policy may be subject to discipline in accordance with the Student Code of Conduct. Volunteers of the University who fail to comply with this Policy may be terminated immediately and may be personally liable for their actions.

V. Procedure (as applicable)

VI. References

This policy provides for the minimum standard of conduct. All policies at a departmental or unit level that regulate conduct with minors must incorporate by reference this Policy and, may not provide a standard of conduct below what is required by this Policy.

If any applicable State or Federal law or regulation or other University Policy imposes additional or greater requirements than this Policy, (e.g. licensed child care facilities, research activities involving minors approved by the Institutional Review Board, student teaching at an elementary school or clinical internship at a hospital or health care facility), the greater obligations in the State or Federal law or regulations or University Policy will apply.

Procedures and Guidelines for the Protection of Minors