

Title: Youth Protection Policy

Date Approved by the President: September 1, 2020

Effective Date: September 1, 2020

Responsible Official: University Chief Compliance and Privacy Officer

Responsible University Office: Compliance Office

Revision History: None

Related legislation and University policies: [ORC 2151.421](#), Clery Act, Title IX

Review Period: 5 Years

Date of Last Review: September 1, 2020

Relates to: Faculty, Staff, Students, Volunteers and External Organizations

- I. Purpose: Youth programs and activities at Case Western Reserve University (CWRU) are consistent with the university's mission; they promote education generally and benefit many children and teens by providing enriching experiences. This policy and the accompanying procedures establish the minimum requirements and expectations that promote safety for minors in university programs and activities. Through the efforts described in this policy, its accompanying procedures, and related policies, the university will be compliant with federal and state laws and aims to promote best practices in this area.
- II. Scope: Anyone who operates or works in a CWRU youth program is responsible for acting in accordance with this policy and its accompanying procedures.
- III. Definitions:
 - Minor – Individual under the age of 18 years who is not a Case Western Reserve University student.
 - Youth Program – Any class, camp, event, program, or other learning activity that includes participation by minors organized or sponsored by a unit of the university or an external organization licensed to use university space. Includes programs designed for youth accompanied by their schoolteacher, chaperone, or other responsible adult. Does not include: (1) Institutional Review Board-approved research projects in which a minor may be a human study subject, (2) Medical care given to minors in a patient-care setting, (3) Public events on campus where minors attend, and (4) Non-programmatic instances of minors who volunteer at the university.
- IV. Reporting Requirements
 - Reporting Suspected or Known Abuse or Neglect. Any person who witnesses child abuse or neglect or has information that would lead a person to believe the minor faces a substantial threat of abuse or neglect shall immediately report it to authorities by contacting CWRU Division of Public Safety (24-hour number is 216.368.3333); you may remain anonymous.

In furtherance of the university's federal obligations under Title IX and the Clery Act, as well as the mandatory duty to report under Ohio law, timely reporting of suspected abuse is required.

V. Operational Requirements for CWRU Youth Programs

Authority of University The Compliance Office, in consultation with the Office of General Counsel and other university units, has the ultimate authority over youth programs and activities occurring on campus and/or sponsored by or connected with the university, including suspension and/or termination.

Responsible Person Each youth program shall have at least one university faculty or staff member who is responsible for ensuring that the youth program adheres to this policy, its accompanying procedures, and all other related university policies. If a university-recognized student organization sponsors a youth program, the student organization shall engage at least one university faculty or staff member to be the Responsible Person for the program.

Youth Program Registration On an annual basis, the Responsible Person, or their designee, shall register each of their youth programs with the university and abide by the administrative procedures regarding registration including, but not limited to, keeping the registration information current. (See accompanying Procedures for the steps for completing a youth program registration form.)

Criminal Background Checks and other screenings

- i. Fingerprint background check. Once every three years, the Responsible Person shall complete a FBI and BCI fingerprint criminal background check. Additionally, based on the nature of each youth program, and the specific duties of each adult employee or volunteer working in the youth program, it may be appropriate to perform background checks on other adult faculty, staff, and volunteers. For example, for programs that incorporate activities with higher risk of potential abuse (e.g. programs that include showering, changing clothes, overnights, and/or activities where adults and children may be alone together), background checks would appropriately be more broadly required for the adults working and volunteering in those youth programs.

The Compliance Office—in coordination with the Office of Human Resources, the Office of General Counsel, and the Responsible Person of the relevant youth program—retains final authority over the decision of whether to initiate a specific background check.

- ii. National Sex Offender Registry search. A youth program's Responsible Person, or their designee, shall perform a search on the National Sex Offender Registry database for each person working in the program to verify that they are not included in the registry.
- iii. A decision to prevent an individual from participating in a youth program based on the results of a background check or National Sex Offender Registry search will be made by the Compliance Office in coordination with the Office of Human Resources,

the Office of General Counsel, and the Responsible Person of the relevant youth program.

- iv. Responsible Person shall maintain a record of background checks and sex offender registry searches for a minimum of seven (7) years.

Training and Education

The Responsible Person shall ensure that faculty members, staff members, students and volunteers who are involved in the youth program receive appropriate training before the start of the program and then periodically thereafter. The Responsible Person shall maintain training records and attendance for a minimum of seven (7) years. (See accompanying Procedures for information on training modes, subject matter, and frequency.)

Participants and program leaders shall meet university training requirements such as Environmental Health and Safety (EHS) safety training as appropriate.

Communications with Parents or Guardians Units running a youth program shall communicate the following information to participants' parents or guardians before, or at the start of, the program:

- Provide youth program rules including conduct expectations.
- Provide information to parent/guardian on how to contact their minor participant during the program.
- Procedures for notifying a participant's parent/legal guardian in case of an emergency, including medical or behavioral situations.
- Obtain required medical and emergency contact information and liability waivers from the parent/guardian of each participating minor before they can participate.
- Provide information to parent/guardian on how to report suspected or known child abuse or neglect.

VI. Youth Programs not administered by Case Western Reserve University

Operators of youth programs on campus that are not administered by the university are responsible for ensuring that their employees, agents, and volunteers comply with all applicable aspects of this policy and accompanying procedures. This includes, but is not limited to, certifying to the university that all individuals who will have ongoing interaction with minors (and anyone who supervises such individuals) have received training and have undergone the criminal background checks and screenings that meet or exceed the minimum requirements of this policy. Programs using university facilities will be required to execute appropriate contracts and meet standards and requirements consistent with those imposed under this policy.

The university unit that provides the facility shall register the program as described in the above section entitled "Youth Program Registration".

VII. Overnight Youth Programs

CWRU generally prohibits overnight youth programs but may grant an exception under special circumstances. (See accompanying Procedures for the steps regarding how to request an exception.)

VIII. Youth activities falling outside of Youth Programs

If a minor will be on campus pursuing research, scholarly, or creative endeavors under the guidance of a faculty or staff member, but such activities are not part of a formal youth program, then the faculty or staff member responsible for their activities on campus must ensure that the minor and his/her parent or guardian first complete and submit the appropriate health and safety forms, which are available on the website of the Office of Environmental Health and Safety. This requirement does not apply to degree-seeking CWRU students who are under the age of 18.

IX. Enforcement of this policy

Documentation reviews and youth program site visits may be conducted by the university to promote compliance with this policy. The university may take corrective actions for violations of this policy, including but not limited to appropriate disciplinary action in accordance with university policies and procedures, and prohibiting an organization or individual from using university facilities.