1. Greetings

The Council welcomed new representatives, Kimberly Henghold and Jennifer Rau.

2. Status of Policy
a. Revised policy based on mandated requirements.

The **Sexual Misconduct Policy** was revised effective July 1, 2016 based on changes made by the Board of Regents of the University System of Georgia in May 2016. **Erika Gravett**, Executive Director of Institutional Equity and Title IX Officer, has presented to KSU elected and administrative governance bodies. For information about the revised policy, please view it online at [https://policy.kennesaw.edu/content/sexual-misconduct-policy](https://policy.kennesaw.edu/content/sexual-misconduct-policy).

**Final presentation:** Staff Senate, November 17, 2016

b. New policy.

**Programs Serving Minors** was approved by the **Board of Regents** at its August 10, 2016 meeting. Presidents of all USG institutions must develop procedures and submit them before January 1, 2017. At present, this requirement is in the Office of the President.

The **Division of Legal Affairs is the lead for the new policy** (Attch 1) and for the new procedures. **Please send your comments and recommendations on this policy to asklegal@kennesaw.edu.**

**Nwakaego Nkumeh**, Legal Affairs, said that the institutional policy/procedures are due to the USG on January 1, 2017. President Olens will review and sign KSU’s policy and procedures in December 2016. Key points about the new policy were presented by Nwakaego (Attch 2).

Thoughts and questions brought up by Representatives included:

- Do background checks include fingerprints as is typically standard for these types of checks?
- How will records retention/management be addressed regarding all of the documentation associated with this new policy and procedures?
- Will processes, forms, and documentation associated with these new requirements be developed with current technology? Will required signatures and authorizations be completed via electronic format?
- Who is on the Programs Serving Minors committee?

More about the new policy and actions in progress are available at this website: [http://protectingminors.kennesaw.edu/](http://protectingminors.kennesaw.edu/).
A presentation of key points of the policy to governance groups is underway as shown below.

<table>
<thead>
<tr>
<th>KSU Governance Body</th>
<th>Presentation Date</th>
<th>Meeting Start Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty Senate Executive Committee</td>
<td>November 7, 2016</td>
<td>12:30 PM</td>
<td>KH 4427 Kennesaw Campus</td>
</tr>
<tr>
<td>Deans Council</td>
<td>November 10, 2016</td>
<td>9:00 AM</td>
<td>Prillaman 4100 Kennesaw Campus</td>
</tr>
<tr>
<td>Faculty Senate</td>
<td>November 14, 2016</td>
<td>12:30 PM</td>
<td>A 201 (Ballrooms) Marietta Campus</td>
</tr>
<tr>
<td>Chairs and Directors Assembly</td>
<td>November 16, 2016</td>
<td>9:00 AM</td>
<td>Leadership Room Kennesaw Campus</td>
</tr>
<tr>
<td>Student Government Association†</td>
<td>November 16, 2016</td>
<td>7:00 PM</td>
<td>Student Center/UV Rooms, Kennesaw Campus</td>
</tr>
<tr>
<td>Staff Senate</td>
<td>November 17, 2016</td>
<td>10:00 AM</td>
<td>A 201 (Ballrooms) Marietta Campus</td>
</tr>
<tr>
<td>Administrators Council</td>
<td>December 8, 2016</td>
<td>3:00 PM</td>
<td>TP 2220 Kennesaw Campus</td>
</tr>
</tbody>
</table>

c. Proposed new policy.
The **Risk Management of Experiential Learning Policy** is in a holding status. The WellStar College of Health and Human Services requested an update of the status for continuing with this proposed policy.

**Follow-up:** The Chair sent an email in September 2016 to Provost Ken Harmon, Dr. K.C. White (VP-Student Affairs), and Ms. Julie Peterson (Interim Chief Business Officer) asking for a review of the current propose policy and a decision or guidance on proceeding or not. Only Provost Harmon responded stating he is in agreement with the proposed policy.

The Chair sent an email to Dean Mark Tillman, WellStar College of Health and Human Services, to decide next steps. A meeting to discuss the policy is to be scheduled.

### 3. Other Business and Adjourn

Information on future meetings will be provided at a later date. Andrew Newton and Dr. Jorge Pérez, vice provost for Institutional Effectiveness are to discuss policy with President Sam Olens.

**Representative attendance and participation.** Please do not send a delegate to Council meetings. Meeting information is provided in advance of each meeting and meeting summaries are made available to Council representatives generally within one week following a meeting. Should you not be able to attend a meeting, we will meet with you to share information.
1. Policy Purpose Statement
The purpose of the Kennesaw State University (KSU or the University) Programs Serving Minors Policy is to provide guidance to the campus community and ensure compliance with federal and state laws and the Board of Regents (BOR) of the University System of Georgia policies and procedures.

2. Background
Kennesaw State University periodically conducts, sponsors, or hosts programs designed to serve minors who are not enrolled as students, including, but not limited to camps, clinics, after-school programs and activities. The University is dedicated to creating an environment in which minors may safely participate in University sponsored programs, or programs operated by third parties held on University facilities. This policy serves to provide guidelines and procedures for programs serving minors to ensure the appropriate protection and supervision of minors participating in University sponsored programs, or programs operated by third parties held on University facilities.

3. Scope (Who is Affected)
All members of the KSU campus community, including, but not limited to, employees, students, volunteers, and third parties. Third parties include, but are not limited to, guests, vendors, contractors, retirees, and alumni.

4. Exclusions or Exceptions
None.

5. Definitions and Acronyms
**Authorized Individual:** Individuals, paid or unpaid, who are authorized by Kennesaw State University officials to have direct contact with minors, including the supervision of minors. This includes, but is not limited to faculty, staff, volunteers, students, interns, and independent contractors/consultants.
Background Investigation: A report including an individual’s criminal history and sex offender registry.

Campus: For purposes of this policy, “campus” includes all buildings, properties, facilities and areas that are owned, leased, managed, operated, or controlled by Kennesaw State University.

Child Abuse: Includes physical injury or death inflicted upon a child by an Authorized Individual by other than accidental means provided, however, physical forms of discipline may be used as long as there is no physical injury to the child.

Child Neglect: Child neglect includes neglect or exploitation of a child by an Authorized Individual if said neglect or exploitation consists of a lack of supervision, abandonment, or intentional or unintentional disregard by an Authorized Individual of a child’s basic needs for food, shelter, medical care, or education as evidenced by repeated incidents or a single incident which places the child at substantial risk of harm.

Contact/Interaction with Minor(s): in the context of this policy, contact or interaction with minors is contact that is direct and reasonably anticipated. The term does not include interaction that is merely incidental.

Minor: A person under the age of eighteen (18). This policy does not apply to enrolled KSU students under the age of 18.

Program: Any program and/or activity operated by any University unit, or by third party organizations. This includes but is not limited to, any sports camp, academic camp, workshops, mentoring activity, internships, conferences, and research projects. Programs and/or activities on campus which are open to the general public and which minors attend at the sole discretion of their parents or guardians are excluded from this definition.

Program Sponsor: The primary KSU employee acting on behalf of the Sponsoring Unit who is responsible for the organization and execution of the program, including adherence to this policy. The Program Sponsor is also considered an Authorized Individual for the purposes of this policy.

Sponsoring Unit: The academic, administrative or athletic unit of the University that offers a program or facilitates the use of University facilities.

Third Party Activity: Non-affiliated third-party organizations or agencies that utilize Kennesaw State University resources to host any programs serving minors.

University-Affiliated Activity: Any program or activity (including any single camp, workshop, mentoring activity, research project, or internship) operated by a Kennesaw State University sponsoring unit in which minors participating in the program or activity are supervised by Kennesaw State Authorized Individuals.
6. Policy

General

Any program or activity involving minors must be registered and approved with KSU through the Programs Serving Minors database. On-going programs must register annually at http://protectingminors.kennesaw.edu/.

Program Approval Procedures

All programs serving minors held on KSU campus facilities or utilizing KSU’s name or resources in any way must operate under the administrative purview of a KSU sponsoring unit. All programs must be approved before the program activities involving the minors occur. All sponsoring units must submit a Programs for Minors Application form for review to ensure compliance with University policies and procedures, and as necessary, the procurement of required insurance coverage. The approval process is as follows:

1. The Program Sponsor must first submit a program request to a Sponsoring Unit for approval.

2. The Sponsoring Unit head or designee must approve the program request. This individual must be a KSU employee. In considering approval, the Sponsoring Unit head must certify that:
   a. All planned program activities are consistent with KSU’s mission,
   b. Appropriate funding is in place,
   c. Requisite Authorized Individual training, licensing requirements of state and federal agencies, housing and transportation needs, safety and security planning, and other logistical program needs have been considered and will in place prior to the program start date.

3. The program must undergo Risk and Compliance Review to the departments as more fully described within this policy. Such review will include certification of an acceptable plan for:
   a. Background Investigations for Authorized Individuals (Human Resources)
   b. Insurance Coverage (Office of Enterprise Risk Management)
   c. Licensing, Program Forms and Facility Use Agreement(s), and other agreements (Division of Legal Affairs)

Note: Approval of a program does not guarantee facility availability or usage. It is the responsibility of the Program Sponsor to arrange for the booking of meeting rooms, housing accommodations, food service, etc. for the desired dates.

Further information and resources for these and other procedures outlined in this policy are available at protectingminors@kennesaw.edu.
State Licensing Requirements

As a general rule, University-affiliated activities involving minors are regulated by the State of Georgia Department of Early Care and Learning. These activities require either a license or an issued exemption from licensure. Though KSU-affiliated activities involving minors will generally be exempt from licensure, the Program Sponsor should ensure that the program or activity is properly licensed or that an exemption from licensure is obtained.

Background Investigation for Authorized Individuals

All Authorized Individuals with primary responsibilities involving the direct interaction with minors are required to have a current satisfactory background investigation on record with KSU at the time of hire and/or beginning work with minors. For University-affiliated activities, all background investigations must be conducted through the KSU Office of Human Resources.

The Program Sponsor should utilize additional screening methods, including, when possible, in-person interviews and reference checks.

Satisfactory background investigations, as determined by the Office of Human Resources, must be performed on returning Authorized Individuals at a minimum of every three years.

Non-KSU affiliated third-party organizations or agencies must provide certification to the Program Sponsor that satisfactory background investigations have been completed for their Authorized Individuals before the Third Party Activities may begin. The background screening must include, at a minimum:

- A state and federal criminal history check covering a minimum of seven (7) years; and
- A nationwide sex offender search.

Annual Mandatory Training

All Authorized Individuals must complete KSU-approved training annually. The training will be available at http://protectingminors.kennesaw.edu/, and will include mandatory reporting requirements, responsibilities and expectations, relevant KSU policies, safety and security procedures, and Staff and Program Participant Codes of Conduct. Training may be expanded depending upon the program activity and the authorized individual’s role in the program or activity. Non-KSU affiliated third-party organizations or agencies may substitute KSU approved training with another training, but such training must be approved by the Program Sponsor.

Program Sponsors are responsible for ensuring that all Authorized Individuals who will have direct contact with minors complete all required and necessary training prior to having contact with activities involving minors on KSU property. The Program Sponsor is responsible for keeping a
certificate of completion on file for all Authorized Individuals in accordance with the University System of Georgia record retention schedule.

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**Safety and Medical Care Provisions**

1. Authorized Individuals participating in programs and activities covered by this policy must sign a Staff and Volunteer Code of Conduct Acknowledgment Form. Third Parties must certify in their Agreement with KSU that they will follow the principles set out in the Staff and Volunteer Code of Conduct.

2. Safety awareness information, specific to program activities, must be provided to all Authorized Individuals. Appropriate safety awareness information may include training on first aid and CPR, campus resources, personal safety recommendations, and emergency notification procedures. Additional resources can be found here: [http://protectingminors.kennesaw.edu/](http://protectingminors.kennesaw.edu/).

3. Each University-affiliated Activity program participant (or a parent/guardian) must complete a liability waiver, indemnification, medical treatment authorization form, and participant conduct agreement. The Program Sponsor is responsible for keeping the documents for University-affiliated activities in accordance with the University System of Georgia record retention schedule.

4. Program Sponsors should identify a plan for the provision of emergency medical services prior to the start of the camp or program.

5. Recommended Authorized Individual to program participant ratios are as follows:

   **Overnight Programs for Minors:**
   a) one authorized individual for every five participants ages 4 and 5;
   b) one authorized individual for every six participants ages 6 to 8;
   c) one authorized individual for every eight participants ages 9 to 14;
   d) one authorized individual for every 10 participants ages 15 to 17.

   **Day Programs for Minors:**
   e) one authorized individual for every six participants ages 4 and 5;
   f) one authorized individual for every eight participants ages 6 to 8;
   g) one authorized individual for every 10 participants ages 9 to 14;
   h) one authorized individual for every 12 participants ages 15 to 17.

6. When notified that a participant with a disability will attend a program or activity and will require accommodations, the disability will be accommodated whenever possible and in accordance with applicable federal and state laws, and KSU and USG policies. If the accommodation requires the participant to have a special chaperone or caregiver, then that chaperone or caregiver will be considered an Authorized Individual.
Incident or Accident Reporting

Emergencies

In case of an emergency, an Authorized Individual or program participant should immediately call the KSU Department of Public Safety and Police (campus extension 6666 or off-campus at 470-578-6666). Individuals may also call 9-1-1.

Mandatory Reporting

Any Authorized Individual who knows, suspects, or receives information indicating that a minor has been abused or neglected as defined within this policy must report the concern, as soon as possible but no later than 24 hours after the event giving rise to the concern, to the KSU Department of Public Safety and Police (campus extension 6666 or off-campus at 470-578-6666), and Georgia Department of Human Services (1-855-GACHILD (422-4453)). The Program Sponsor should also be notified.

Incidents/Accidents

Incidents and accidents can involve minor to major physical injuries of participants and/or Authorized Individuals, staff misconduct, behavioral issues among participants, Authorized Individuals, or visitors, or hospital/doctor visits. Program Sponsors are responsible for submitting an Incident Reports to the KSU Environmental Health and Safety Department (and other KSU offices, as applicable) within 24 hours following the incident. The form will be found online at http://protectingminors.kennesaw.edu/

7. Associated Policy(ies)/Regulations

a. O.C.G.A. §§ 19-7-5, 39-1-1, 49-5-180
b. Ga. Rules & Regs. 591-1-1-.46
c. BOR Policy Manual, 12.9 (Programs Serving Minors)
d. University System of Georgia Human Resources Administrative Practice Manual, Background Investigations
e. KSU University Handbook Policy 5.2.13. (Visits by Children)

8. Procedures Associated with this Policy

Pending.

9. Forms Associated with this Policy

Pending.
10. Violations

Any Kennesaw State University employee found responsible for violating this policy may be subject to disciplinary action up to and including the possibility of dismissal. Violations of federal and state statutes may be subject to criminal penalties and/or fines.

11. Review Schedule

The Programs Serving Minors Policy is reviewed annually by ___________ or his/her designee in collaboration with __________________________.

**Action Log [for Policy Process Council action]**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 23, 2016</td>
<td>Memo on proposed policy and procedures requirements. USG institutions must submit institutional procedures by January 1, 2017.</td>
<td>USG, Chancellor Hank Huckaby</td>
</tr>
<tr>
<td>September 2016</td>
<td>KSU actions initiated to develop institutional procedures</td>
<td>Division of Legal Affairs (lead office)</td>
</tr>
<tr>
<td>November 4, 2016</td>
<td>Memo/email on policy/procedure actions.</td>
<td>KSU, President Samuel Olens</td>
</tr>
</tbody>
</table>

**Responsible Office - Required Review and Approval Actions:**

| Vice President Sign off | Pending | [date] |

<table>
<thead>
<tr>
<th>KSU Governance Body</th>
<th>Presentation Date</th>
<th>Follow-up</th>
<th>Concurrence - Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deans Council</td>
<td>November 10, 2016 9 AM, Prillaman 4100</td>
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<tr>
<td>Faculty Senate</td>
<td>November 14, 2016 12:30 PM, Marietta A 201</td>
<td></td>
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</tr>
<tr>
<td>Chairs and Directors Assembly</td>
<td>November 16, 2016 9 AM, Leadership Room</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student Government Association†</td>
<td>November 16, 2016 7 PM, Kennesaw StuCtr</td>
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</tr>
<tr>
<td>Staff Senate</td>
<td>November 17, 2016 10 AM, Marietta A 201</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrators Council</td>
<td>December 8, 2016 3 PM, Town Point 2220</td>
<td></td>
<td></td>
</tr>
<tr>
<td>University Council</td>
<td>Pending</td>
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President’s Cabinet

Presidential Approval

Date:

† SGA review and comment if students are included in the policy scope statement.
KSU Programs Serving Minors Policy

Nwakaego Nkumeh
Assistant General Counsel
Board of Regents Policy 12.9
Programs Serving Minors

University System of Georgia (USG) institutions periodically conduct, sponsor or host programs designed to serve minors who are not enrolled as students, including but not limited to camps, clinics, after school programs and activities.

Employees and volunteers associated with these programs who are reasonably anticipated to have direct contact or interaction with minor program participants must be appropriately pre-screened and trained. Institution presidents are responsible for establishing institution-level procedures to implement these requirements consistent with this policy and with any implementing procedures established by the Chancellor or the Chancellor’s designee.

Institution presidents shall submit a copy of their institutional procedures as directed by January 1, 2017. This policy will become effective for programs starting on or after May 1, 2017.
BOR Implementing Procedures

KSU’s Programs Serving Minors Policy and Procedure must include:

• **Program Registration**

• **Authorized Programs must have:**
  – Training requirements,
  – Proper screening and background checks of staff and volunteers,
  – Appropriate supervision ratios,
  – Safety and security planning,
  – Response protocols for injury, illness, participant misconduct, and staff misconduct,
  – Transportation needs,
  – Housing needs,
  – Participation requirement forms,
  – Licensing requirements of state and federal agencies,
  – Codes of Conduct for program staff and volunteers, and
  – Appropriate Facility Use/Licensing Agreements.
KSU Programs Serving Minors Policy

• KSU Programs Serving Minors website: protectingminors.kennesaw.edu

• Any Program involving non-enrolled minors must be registered and approved by KSU annually

• Programs: An activity serving non-enrolled minors operated by KSU or Third Party Organizations in a KSU facility.
  – Includes: sports and academic camps, workshops, mentoring activities, conferences, research projects.
  – Excludes: activities on campus open to the general public where minors attend at sole discretion of parent/guardian.
Program Approval

All programs serving minors must be approved **before** the program activities involving the minors occur. Approval process:

1. **The Program Sponsor submits a program request to a Sponsoring Unit for Approval**
2. **The Sponsoring Unit reviews/approves the request**
3. **The program undergoes Risk and Compliance Review**

Review Includes certification that:

- All activities are consistent with KSU’s mission
- Appropriate funding is in place
- Requisite Authorized Individual training, licensing requirements, housing and transportation needs, and other logistics will be in place prior to the start of the program
- Background Investigations for Authorized Individuals (HR)
- Insurance Coverage (OERM)
- Licensing, Program Forms, Facilities Use Agreement(s) and other agreements (Legal)

NOTE: Approval of a program does not guarantee facility availability or usage
Mandatory Reporting

Mandatory Reporting Obligation: O.C.G.A. § 19-7-5(c)(1)

“The following persons having reasonable cause to believe that suspected child abuse has occurred shall report or cause reports of such abuse to be made as provided in this Code section: ...

(H) School teachers

(I) School administrators

(J) School counselors and social workers. . .

(M) Child service organization personnel”
Mandatory Reporting

KSU Programs Serving Minors Policy Language:

“Mandatory Reporting – Any Authorized Individual who knows, suspects, or receives information indicating that a minor has been abused or neglected **must** report the concern as soon as possible (but within 24 hours) to the KSU Dept. of Public Safety and Police and Georgia Dept. of Human Services (1-855-GACHILD (422-4453)). The Program Sponsor should also be notified.”
Resources

• KSU Programs Serving Minors website: protectingminors.kennesaw.edu

• BOR/USG Programs Serving Minors website: http://www.usg.edu/audit/compliance/programs_serving_minors/
Discussion and Questions?