

# Policy Process Council

URL: <https://policy.kennesaw.edu/>

**Date: November 15, 2016**  
**Time: 10:00 AM – 11:30 PM**  
**Location: Kennesaw Campus,**  
**Town Point 4130**

## Agenda

1. Greetings
2. Status of Policy
3. Other Business and Adjourn

<b>Invited Guest</b>	Andrew Newton, Acting General Counsel, Division of Legal Affairs
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Representative	Attendance	Representing
Jeffrey Bernard	Yes	Staff Senate
Ray Burgos	Yes	Strategic Communication and Marketing
Tammy DeMel	No	University Relations
Joan Duncan, Ph.D.	Yes	University Advancement and Development
Kimberly Henghold	Yes	Economic Development and Community Engagement
Fatimot Ladipo	Yes	Government Relations
Lectra Lawhorne	Yes	Information Technology and Services (CIO)
Tamara Livingston, Ph.D.	Yes	Administrators Council
Ron Matson, Ph.D.	No	Academic Affairs and Deans Council
Bob Mattox, Ph.D.	Yes	Student Policy
Douglas Moodie, Ph.D.	Yes	Faculty Senate
Nwakaego Nkumeh, J.D.	Yes	Legal Affairs
Susan Paraska	Yes	Institutional Effectiveness, Chair
Alice Pate, Ph.D.	No	Chairs and Directors Assembly
Ed Posaski	Yes	Athletics Department
Jennifer Rau	Yes	Business and Finance (CBO)
Lily Roche	Yes	Student Government Association
Diane Walker, J.D.	Yes	Student Affairs
Christine Ziegler, Ph.D.	Yes	Research

## 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> .

**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](mailto: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/> .

A presentation of key points of the policy to governance groups is underway as shown below.

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

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 Title	Programs Serving Minors
Issue Date	Pending
Effective Date	May 1, 2017
Last Updated	New Policy
Responsible Office	Division of Legal Affairs and Office of the Chief Business Officer
Contact Information	Division of Legal Affairs Phone: 470-578-3562 Email: asklegal@kennesaw.edu

2

3 **1. Policy Purpose Statement**

4 The purpose of the Kennesaw State University (KSU or the University) Programs Serving Minors  
5 Policy is to provide guidance to the campus community and ensure compliance with federal and  
6 state laws and the Board of Regents (BOR) of the University System of Georgia policies and  
7 procedures.

8 **2. Background**

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

16

17 **3. Scope (Who is Affected)**

18 All members of the KSU campus community, including, but not limited to, employees, students,  
19 volunteers, and third parties. Third parties include, but are not limited to, guests, vendors,  
20 contractors, retirees, and alumni.

21

22 **4. Exclusions or Exceptions**

23 None.

24

25 **5. Definitions and Acronyms**

26 **Authorized Individual:** Individuals, paid or unpaid, who are authorized by Kennesaw State  
27 University officials to have direct contact with minors, including the supervision of minors. This  
28 includes, but is not limited to faculty, staff, volunteers, students, interns, and independent  
29 contractors/consultants.

30 **Background Investigation:** A report including an individual's criminal history and sex offender  
31 registry.

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

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

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

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

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

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

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

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

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

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

63

64

65

66 **6. Policy**

67 **General**

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

71

72 **Program Approval Procedures**

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

- 79 1. The Program Sponsor must first submit a program request to a Sponsoring  
80 Unit for approval.
- 81 2. The Sponsoring Unit head or designee must approve the program request.  
82 This individual must be a KSU employee. In considering approval, the  
83 Sponsoring Unit head must certify that:
- 84 a. All planned program activities are consistent with KSU's mission,
  - 85 b. Appropriate funding is in place,
  - 86 c. Requisite Authorized Individual training, licensing requirements of state  
87 and federal agencies, housing and transportation needs, safety and  
88 security planning, and other logistical program needs have been  
89 considered and will in place prior to the program start date.
- 90 3. The program must undergo Risk and Compliance Review to the departments  
91 as more fully described within this policy. Such review will include certification  
92 of an acceptable plan for:
- 93 a. Background Investigations for Authorized Individuals (Human  
94 Resources)
  - 95 b. Insurance Coverage (Office of Enterprise Risk Management)
  - 96 c. Licensing, Program Forms and Facility Use Agreement(s), and other  
97 agreements (Division of Legal Affairs)

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

101 Further information and resources for these and other procedures outlined in this policy are  
102 available at [protectingminors@kennesaw.edu](mailto:protectingminors@kennesaw.edu).

103

104 ***State Licensing Requirements***

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

110

111 ***Background Investigation for Authorized Individuals***

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

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

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

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

- 124
- 125 • A state and federal criminal history check covering a minimum of seven (7) years; and
  - 126 • A nationwide sex offender search.

127 ***Annual Mandatory Training***

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

135 Program Sponsors are responsible for ensuring that all Authorized Individuals who will have direct  
136 contact with minors complete all required and necessary training prior to having contact with  
137 activities involving minors on KSU property. The Program Sponsor is responsible for keeping a

138 certificate of completion on file for all Authorized Individuals in accordance with the University  
139 System of Georgia record retention schedule.

140

141 ***Safety and Medical Care Provisions***

- 142 1. Authorized Individuals participating in programs and activities covered by this policy must  
143 sign a Staff and Volunteer Code of Conduct Acknowledgment Form. Third Parties must  
144 certify in their Agreement with KSU that they will follow the principles set out in the Staff  
145 and Volunteer Code of Conduct.
- 146 2. Safety awareness information, specific to program activities, must be provided to all  
147 Authorized Individuals. Appropriate safety awareness information may include training  
148 on first aid and CPR, campus resources, personal safety recommendations, and  
149 emergency notification procedures. Additional resources can be found here:  
150 <http://protectingminors.kennesaw.edu/>.
- 151 3. Each University-affiliated Activity program participant (or a parent/guardian) must  
152 complete a liability waiver, indemnification, medical treatment authorization form, and  
153 participant conduct agreement. The Program Sponsor is responsible for keeping the  
154 documents for University-affiliated activities in accordance with the University System of  
155 Georgia record retention schedule.
- 156 4. Program Sponsors should identify a plan for the provision of emergency medical services  
157 prior to the start of the camp or program.
- 158 5. Recommended Authorized Individual to program participant ratios are as follows:
- 159 *Overnight Programs for Minors:*
- 160 a) one authorized individual for every five participants ages 4 and 5;
  - 161 b) one authorized individual for every six participants ages 6 to 8;
  - 162 c) one authorized individual for every eight participants ages 9 to 14;
  - 163 d) one authorized individual for every 10 participants ages 15 to 17.
- 164
- 165 *Day Programs for Minors:*
- 166 e) one authorized individual for every six participants ages 4 and 5;
  - 167 f) one authorized individual for every eight participants ages 6 to 8;
  - 168 g) one authorized individual for every 10 participants ages 9 to 14;
  - 169 h) one authorized individual for every 12 participants ages 15 to 17.
- 170
- 171 6. When notified that a participant with a disability will attend a program or activity and will  
172 require accommodations, the disability will be accommodated whenever possible and in  
173 accordance with applicable federal and state laws, and KSU and USG policies. If the  
174 accommodation requires the participant to have a special chaperone or caregiver, then  
175 that chaperone or caregiver will be considered an Authorized Individual.

176



177 ***Incident or Accident Reporting***

178 **Emergencies**

179 In case of an emergency, an Authorized Individual or program participant should immediately call  
180 the KSU Department of Public Safety and Police (campus extension 6666 or off-campus at 470-  
181 578-6666). Individuals may also call 9-1-1.

182 **Mandatory Reporting**

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

189 **Incidents/Accidents**

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

196

197 **7. Associated Policy(ies)/Regulations**

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

204

205 **8. Procedures Associated with this Policy**

206 Pending.

207

208 **9. Forms Associated with this Policy**

209 Pending.

210

211 **10. Violations**

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

215

216 **11. Review Schedule**

217 The Programs Serving Minors Policy is reviewed annually by \_\_\_\_\_ or his/her designee  
 218 in collaboration with \_\_\_\_\_.

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

Date	Action	Name
August 23, 2016	Memo on proposed policy and procedures requirements. USG institutions must submit institutional procedures by January 1, 2017.	USG, Chancellor Hank Huckaby
September 2016	KSU actions initiated to develop institutional procedures	Division of Legal Affairs (lead office)
November 4, 2016	Memo/email on policy/procedure actions.	KSU, President Samuel Olens
November 5, 2016	Proposed policy/procedure ready for presentation.	Nwakaego Nkumeh, Legal Affairs.

220

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

<b>Vice President Sign off</b>	Pending	[date]
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KSU Governance Body	Presentation Date	Follow-up	Concurrence - Date
Deans Council	November 10, 2016 9 AM, Prillaman 4100		
Faculty Senate	November 14, 2016 12:30 PM, Marietta A 201		
Chairs and Directors Assembly	November 16, 2016 9 AM, Leadership Room		
Student Government Association†	November 16, 2016 7 PM, Kennesaw StuCtr		
Staff Senate	November 17, 2016 10 AM, Marietta A 201		
Administrators Council	December 8, 2016 3 PM, Town Point 2220		
University Council	Pending		

223

President's Cabinet			
Presidential Approval	Date:		

224 † 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:

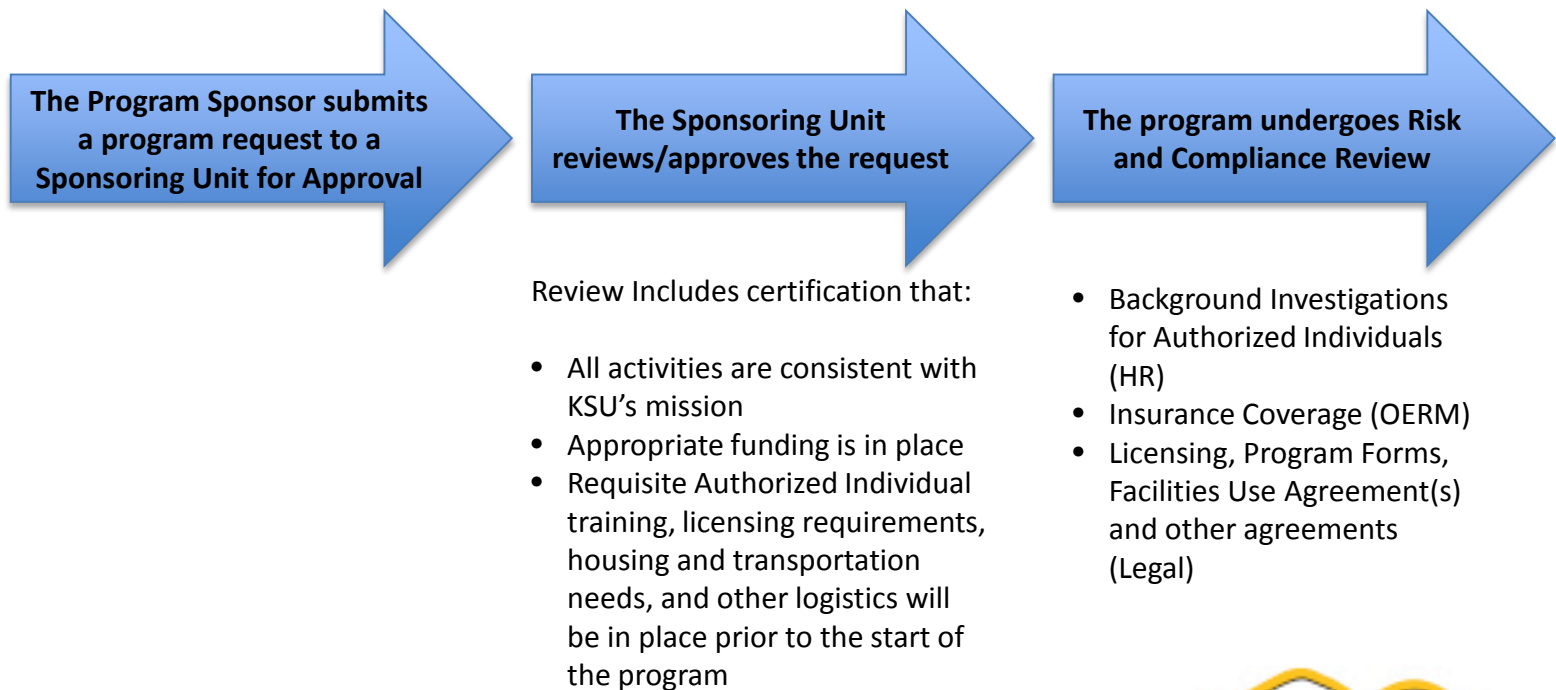
- **Program Registration**
- **Authorized Programs must have:**
  - Training requirements,
  - Proper screening and background checks of staff and volunteers,
  - Appropriate supervision ratios,
  - Safety and security planning,
  - Response protocols for injury, illness, participant misconduct, and 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](http://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:



# 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](http://protectingminors.kennesaw.edu)
- BOR/USG Programs Serving Minors website:  
[http://www.usg.edu/audit/compliance/programs\\_serving\\_minors/](http://www.usg.edu/audit/compliance/programs_serving_minors/)



## Discussion and Questions?