

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.

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:**

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

222

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.