



Policy

University Policy SA-17.02-02/15

Policy Title: Policy on Minor Children

Originator: Dr. Jim Hurd, Senior Associate Vice President for Student Affairs

Responsible Office: Division of Student Affairs

Reason for Policy/Purpose:

The University of West Florida, as part of its educational mission, hosts a variety of events and facilities that attract Minors, whether sponsored by the University, student groups, or by third parties. Minors require special consideration due to their vulnerability and the safety of minors on campus is a high priority for UWF. This policy provides guidelines for those in the University community who work with or interact with Minors. This policy is designed to help safeguard and protect Minors when they are on campus.

Definition of Terms:

I. Definition of Terms:

a. "Minor" or "Child" for the purposes of this policy means any person under the age of 18 who is not a registered UWF student.

b. "Abuse" means - 1. Intentional infliction of physical or mental injury upon a child; 2. An intentional act that could reasonably be expected to result in physical or mental injury to a child; or 3. Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or mental injury to a child. (Section 827.03, F.S.).

c. "Neglect" of a child means - 1. A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or 2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect or exploitation for another person. Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child. (Section 827.03, F.S.)

Policy Statement:

This policy provides guidelines for those in the University community who work with or interact with minors. This policy is designed to help safeguard and protect minors when they are on campus.

Procedures:**1. Use of University Facilities by Minors**

- a. All supervised Minors participating in a University program or a program taking place on University property are generally permitted use of identified facilities (athletic fields, public spaces, academic buildings, food service areas, etc.), but the University reserves the right to restrict anyone, including Minors, from certain areas or facilities or from utilizing specified equipment.
- b. Minors are permitted at events and venues open to the public. However, the University reserves the right to determine, in its sole discretion, whether selected events or venues are appropriate for unescorted or unsupervised Minors.
- c. Minors are prohibited from entering laboratories and other areas where significant potential safety hazards and liabilities may exist and where strict safety precautions are required except while participating in properly supervised University-Sponsored Events or programs taking place on University property.

2. Employee Guidelines.

- a. Employees must always obtain supervisor approval to bring Minors into the workplace. If approved by the supervisor, the following apply:
 - (i) Minors are not to be brought to work on a regular basis in lieu of childcare.
 - (ii) Minors may be brought to work, on rare occasions when necessary or due to a family emergency.
 - (iii) Supervision by the parent or guardian is required at all times.
 - (iv) Minors may not be left unattended or with other employees.
 - (v) Minors may not interfere with workplace activities.
- b. Departments, may, due to the nature of their operations, prohibit employees from bringing minors to the workplace.

3. Student Guidelines.

The following guidelines apply to students bringing minors to the workplace:

- a. A Minor should not be left unattended while the parent or guardian is attending class or conducting any other business or social function on campus.
- b. Supervision by the parent or guardian is required at all times.
- c. Minors are not allowed in the high-risk areas defined below in this Policy.
- d. Minors are not allowed in classrooms while classes are in session unless permission is granted by the faculty member. Should a Minor become disruptive, the student and Minor may be asked to leave.

4. Visitor and Third Party (Invitee) Guidelines.

The University hosts many events that are appropriate for Minors to attend; at these events, the following apply:

- a. Supervision by the parent or guardian is required at all times.
- b. Parent or guardian must assure that Minors are not disruptive.
- c. Parent or guardian must not leave Minors unattended.
- d. Minors are not allowed in the high-risk areas defined below.

5. High-Risk Areas.

Unless authorized by an appropriate University employee and appropriately supervised, Minors are not allowed in high-risk areas, including but not limited to:

- a. Laboratories, shops, studios, mechanical rooms, power plants, garages, and food preparation areas;
- b. Any areas, indoors or out, containing power tools or machinery with exposed moving parts;
- c. UWF vehicles, boats, or motorized equipment;
- d. University police department offices or vehicles;
- e. Any other high-risk areas (such as stairwells, elevators or doorways, rooftops, construction zones).

6. Behavioral Guidelines for University faculty, staff, students and volunteers in University-sponsored or University-affiliated programs which involve Minors:

- a. While it may be impossible to avoid all circumstances where an adult has direct communication or instruction with a Minor in the absence of other adult faculty, staff, students and volunteers, all programs and activities should strive to avoid situations and circumstances where an adult has direct contact with a Minor in the absence of other adult faculty, staff, students and volunteers, especially where that access also presents opportunities for secrecy or privacy.
- b. University faculty, staff, students and volunteers may not hit, administer corporal punishment to, or touch in an inappropriate or illegal manner any Minor.
- c. University faculty, staff, students and volunteers shall not transport Minors to or from the homes of the Minors except when the individual is the parent or guardian of the minor(s).
- d. University faculty, staff, students and volunteers shall not engage in the use of alcohol or illegal drugs or be under the influence of alcohol or illegal drugs while supervising Minors at University sponsored or affiliated activities.
- e. University faculty, staff, students and volunteers shall not engage in communications with Minor participants outside of communications related to the promotion and/or operation of the University sponsored or affiliated program and/or activity. This includes social media, telephone and personal meetings outside of official scheduled meeting times for said program and/or activity.

7. Level 2 Background Screening

a. Employees

- (i) In addition to the Level 1 background screening required as a condition of employment, all University employees, including OPS employees, who will or are working in University programs or University sponsored or affiliated programs with Minors are required to undergo Level 2 background screening as defined in Chapter 435, F.S., before being hired or as a condition of continued employment.
- (ii) The University of West Florida will not hire, select, or otherwise allow an employee to have contact with a Minor, or place the employee in a role that requires background screening, unless the screening process demonstrates the absence of any grounds for the denial or termination of employment that requires working with Minors, unless the employee has been granted an exemption from disqualification by the Florida Department of Families and Children.

b. Contracted Consultants/Facilitators

- (i) Individuals hired to lead workshops or clinics involving minors on a contractual basis (independent contractors) are not required to undergo Level 2 background screening if there will be a University employee who has met the screening requirements present for the entire length of the workshop or clinic who is able to keep the workshop or clinic leader in his or her line of sight while the leader works with minors.

(ii) Workshops and clinics for the purposes of this policy are activities with a duration of eight hours or less, and do not involve an overnight stay of the participants.

c. Volunteers

(i) All volunteers, except those described below, who will be or are working in University programs or University sponsored or affiliated programs with Minors are required to undergo a Level 2 background screening, as defined in Chapter 435, F. S. before being permitted to volunteer or being permitted to continue to volunteer in those programs.

(ii) A volunteer who works with Minors in a University, University-sponsored or University-affiliated summer day camp or summer 24 hour camp does not have to undergo Level 2 background screening if the volunteer work is:

(1) on an intermittent basis for less than 10 hours per month,

(2) in the presence of an employee who has met the screening requirements who is able to keep the volunteer in his or her line of sight while the volunteer works with Minors.

(iii) The University of West Florida will not select a volunteer, or otherwise allow a volunteer to have contact with a Minor, or place a volunteer in a role that requires background screening, unless the screening process demonstrates the absence of any grounds for the denial or termination of permission to volunteer to work with Minors, unless the volunteer has been granted an exemption from disqualification by the Florida Department of Families and Children.

(iv) Volunteers with backgrounds which provide grounds for denial of permission to have contact with Minors shall be denied permission to work with Minors or shall be terminated from such positions even in instances which otherwise meet the conditions of b.(ii), above.

c. If a criminal background check reveals adverse information or unfavorable results, the Florida Department of Children and Families will conduct an individualized assessment using criteria designed to identify potential risk to Minors.

d. Level 2 criminal background checks of University faculty, staff, students and volunteers that are conducted pursuant to this Policy will be used only for purposes consistent with this Policy and will otherwise be kept confidential except as provided by law.

e. Non-University Entities

(i) Non-University organizations and entities that operate programs or activities on campus involving Minors must comply with Chapter 435 and Section 409.175, Florida Statutes.

(ii) Any contracts entered into between the University and a non-university entity for the operation of a program or activity which will involve Minors must require the non-university entity to comply with section 409.175 F.S. and Chapter 435, F.S.

8. Mandatory Reporting of Alleged Child Abuse, Abandonment or Neglect

a. Section 39.201, F. S. requires every person who knows or has reasonable cause to suspect that

i) a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver or other person responsible for the child's welfare, or that the child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, or

ii) that a child is abused by an adult who is not the child's parent, legal custodian, caregiver, or other person responsible for the child's welfare, or,

iii) the child is a victim of childhood sexual abuse or the victim, of a known or suspected juvenile sexual offender to immediately report that knowledge or suspicion to the Florida Department of Children and Families (Section 39.201, F.S.). The report must be made through the Central Abuse Hotline of the Department of Children and Families. The phone number is 1-800-96ABUSE. See also <https://reportabuse.dcf.state.fl.us>.

b. Any University employee who makes such a report related to activity occurring at the University of West Florida, or occurring during an event or function sponsored by the University of West Florida must also:

i) Notify the University of West Florida Police,

ii) Notify his or her supervisor, unless the supervisor is alleged to have participated in the abuse or neglect, and

iii) Notify the Office of the General Counsel.

c. For the purpose of this policy, a University administrator is defined as a high-level employee who has been assigned the responsibility of university-wide academic or administrative functions with any of the following titles: university president, provost, vice president, associate vice president, associate or vice provost, dean, chief of police, equal opportunity officer, or athletics director.

d. Each University administrator, as defined in paragraph c., who receives information from a university employee of known or suspected child abuse, abandonment or neglect committed on the property of the University or during an event or function sponsored by the University, is required to report such information to the Florida Department of Children and Families.

e. If the University police department receives information of known or suspected child abuse, abandonment or neglect committed on the property of the University or during an event or function sponsored by the University, the police department is required to report such information to the Florida Department of Children and Families.

f. In accordance with section 39.205, F.S., failure to report known or suspected child abuse, abandonment or neglect can result in monetary fines up to \$1 million and criminal sanctions.

g. Florida law requires employees in certain positions/occupations who report abuse or neglect to the Central Abuse Hotline of the Florida Department of Children and Families to disclose their names. Those positions are: physicians, nurses, medical examiners, other health and mental health professionals, school teachers, school officials and school personnel, social workers, child care workers and providers, law enforcement officers and Judges. Most, if not all, University positions fit within the description of school teachers, school officials and school personnel and therefore will be required to disclose their name to the Central Abuse Hotline of the Florida Department of Children and Families.

h. Non-University entities and organizations that operate programs or activities involving Minors at the University of West Florida, and their employees and volunteers are also required to comply with the requirements of section 39.201, F.S. to report the knowledge or suspicion of child abuse, neglect or abandonment to the Central Abuse Hotline of the Florida Department of Children and Families. University contracts with outside entities and organizations which will result in Minors at the University of West Florida campus shall include a provision which requires the entity or organization to comply with section 39.201, F.S.

i. In accordance with section 39.203, F.S., any person acting in good faith in making a report pursuant to section 39.201, F.S. is immune from civil or criminal liability related to the reporting.

9. Medical Incidents/Issues

a. All medical incidents/injuries occurring to Minors who attend University-sponsored activities should be reported by an employee to his or her supervisor as well as to UWF Police as needed. All medical incidents must be documented in accordance with University procedures.

b. A UWF employee may not carry, store, or dispense medications to a Minor without written instruction being provided by parent/guardian of Minor. If a Minor requires a prescription or over-the-counter medication during his or her stay on campus or at any University-Sponsored Event, the appropriate University procedures must be followed.

c. University of West Florida sponsored programs hosting Minors will have discretionary latitude regarding the collection and maintenance of medical information about the Minor participants depending on length of program, the needs of a program, and the specific risk(s) involved in the program.

Change Justification:

This policy is being amended to reflect clarification that addresses short-term clinics and workshops.

Authority and Related Documents:

Florida BOG Regulation 3.002; Sections 39.201, 39.203, 39.205, 110.1127, 409.175, 827.03, and Chapter 435, Florida Statutes.

APPROVED: Dr. Judith A. Bense, President

Date: 3/3/15

History: SA-17.01-05/14 Policy on Minor Children, adopted May 2014; revised hereby.