

BIG LITTLE MAN ON CAMPUS: PROTECTING MINORS AT COLLEGES AND UNIVERSITIES

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Hazing, underage drinking, and campus noise violations. These are all issues that most colleges and universities are very familiar with. Policies, procedures, and response protocols have been developed, tried, and tested with respect to those issues which accompany the young-adult population. But when it comes to the legal exposure stemming from the presence of minors on campus, college and university administrators tread into more unfamiliar waters. It's essential to ensure that your institution is not only fulfilling its legal obligations with respect to minors, but is also taking the steps necessary to minimize legal exposure. Here is a basic roadmap of how to create a Minors-On-Campus Policy.

HOW MANY MINORS ARE THERE?

Many institutions are surprised when they learn how many minors are on their campus for various activities. Thus, the first step is to inventory existing programs and activities involving minors. Minors enrolled at the institution in lab schools or high school/college credit programs are an obvious, yet often overlooked population. In addition to enrolled minors, the inventory should include all programs sponsored by the institution, whether on or off campus.

Some programs, such as summer camps, are highly visible and easy to identify. Other activities are less formal and more likely to fly under the radar. Some examples of those activities include speech, dental, and hearing clinics, student-athlete community outreach, daycare for employees, research involving minors, bridge programs, and much more. After thorough review, most institutions are

surprised at the extent of their youth-serving programs. After creating the initial inventory, designate someone to maintain and update it as necessary.

CREATING PROCEDURES TO ENSURE COMPLIANCE

Once an inventory is created, the institution is in a better position to audit and ensure compliance with federal and state laws regarding the treatment of minors and to understand the dynamics of what a Minors on Campus Policy will need to include and cover. Numerous laws regulate involvement with minors. The most common are those regulating screening of persons placed in contact with minors and reporting of child abuse. Others involve transportation, medical care, and other issues. These laws will vary by state to state, so it's important to know your own state's requirements (as well as the trend in the industry).

As to screening and selection policies, the screening policy for those individuals who interact with children (employees and volunteers) will likely need to be more stringent than for the general employee population. Offenses dealing with domestic abuse, drugs, violence, crimes against the elderly, infirm, etc. should be assessed carefully. This process should include, at a minimum, a comprehensive criminal-background check, a rolling five-year recheck, and a requirement that all employees self-report any change in their criminal background to your Human Resources Director within 24 hours.

The institution should also publish a policy obligating individuals who work with children to report any reasonable suspicion of child abuse, neglect, abandonment, or exploitation, along with a set of procedures advising employees how to do so. In some states, every employee and volunteer of an institution has this obligation (even if the person does not work directly with children). Failure to report child abuse could result in criminal felony charges or individual fines. Moreover, after the controversy at Penn State, some states, like Florida, amended their laws to increase fines against colleges and universities to up to a million dollars for impeding the reporting of child abuse.

In addition to ensuring compliance with specific laws, the institution should have its own requirements to ensure the safety of minors on campus. Such requirements should include a mandate that minors must be supervised at all times by an authorized adult while on campus or participating in a sponsored event, rules as to areas that minors are and are not allowed to access, and adult/minor conduct standards. Consider having an inspection by your insurance company or an outside, qualified professional to determine whether certain areas, equipment, or activities should be banned, adjusted, or removed.

CONTRACTORS

These requirements should also be built into the institution's independent-contractor agreements. Contractors should be asked to confirm, in writing, that they have complied with background checks and training required by your institution. In addition, the contractor should confirm receipt and understanding of the institution's mandatory-reporting requirements.

Minors on campus can expose colleges and universities to a host of laws, regulations, and areas of exposure that they may not be familiar with. Realizing the areas of risk and addressing them with proper policies, guidelines and training is the best line of defense.

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