

# University of Guam

## Policy on the Protection of Minors

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## **POLICY STATEMENT**

The University values its employees and students, and recognizes the importance that Minors have in their lives, on and off campus. The University also values its Programs that involve Minors. The safety and welfare of Minors who visit our campus, participate in our Programs, and are entrusted to our care is always of paramount importance. In order to help assure that safety, the University's policy is that Minors are to be afforded protections whenever they are present on campus or participating in our Programs, which might be off campus and off island.

## **PURPOSE OF THIS POLICY**

The University of Guam (University or UOG) provides many opportunities for children and youth under the age of 18 (referred to as Minors) to be on campus—for example, when attending campus events, sports camps and childcare programs, or visiting as guests of students and employees—as well as to engage with our students and employees off campus (including off island) when participating in programs and activities involving outreach to K through 12 and communities. The University is committed to the safety and well-being of Minors with whom we interact on and off campus. Minors are often more at risk than adults from activities and conditions such as traffic, hazards present on the grounds or in buildings, and risks associated with interacting with adults without proper supervision.

The purpose of this policy is to establish criteria that welcome Minors to the University, minimize the risk of injury, and promote an environment conducive to accomplishing the University's mission. This policy is intended to foster respect for the needs of all parties impacted by the presence of Minors engaged in any University related activities.

## **APPLICATION OF THIS POLICY**

This policy applies to all University faculty, staff, student employees, volunteers, contractors, and others (hereinafter, as appropriate, "persons covered by this policy") acting on behalf of the University when interacting with Minors in University-related activities. This policy also establishes requirements for non-university organizations and entities that conduct Programs involving Minors on campus ("Third Party Programs"), and University agreements with such organizations and entities shall reflect those requirements.

This policy does not apply to Minors as subjects of any University-sponsored research that is covered by Institutional Review Board policies and procedures, students admitted to the University, or those enrolled in classes for academic credit at the University. Everyone working with Minors will be expected to be familiar with this policy and any unit level guidelines and procedures.

Certain activities are expected to involve children of employees. For example, the University offers childcare, camps, and recreational Programs. This policy is not intended to prohibit any of those Programs or to discourage employees from including their children in University activities, where appropriate. However, safety and responsibility remain the foremost considerations whenever Minors are involved, and the University expects its employees, volunteers, students, and other adults participating in University life to adhere to this policy (as well as to common sense and generally accepted standards of behavior) when interacting with Minors, at all times.

All forms referenced herein are maintained at Office of Enrollment Management and Student Success  
<http://uog.edu/student-services/enrollment-management-student-success-emss>

## **DEFINITIONS**

**Campus Security Authorities:** Employees designated by the University who have significant administrative or supervisory responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings. Examples include security personnel, resident advisors, Vice Presidents and faculty advisors. Campus Security Authorities are also Responsible Employees.

**Child or Children:** A Minor or Minors. See definition below.

**Child Abuse:** Under Guam law, a person is guilty of child abuse when: (1) he [she] subjects a child to cruel mistreatment; or (2) having a child in his care or custody or under his control, he: (A) deserts that child with intent to abandon him; (B) subjects that child to cruel mistreatment; or (C) unreasonably causes or permits the physical or emotional health of that child to be endangered. 9 GCA § 31.30.

**Contractor:** One who contracts to do work, or provide supplies or services to the University.

**High Risk Area:** Any area in which activities are conducted that pose a risk of injury greater than what is typically experienced in a public place. Examples include laboratories where chemicals, biological or radiological materials, flammables, explosives, compressed gasses, lasers, machinery, dangerous equipment, sharps, research animals, or hazardous wastes are present; construction sites; outdoor areas with water hazards (such as the shoreline and open ocean); food preparation areas; and any other place where a reasonable person would expect Minors to require supervision to avoid injury.

**Host/Responsible Department:** A person or department other than the Parent who will be responsible for the Minor in the campus Workplace, Program, activity or event for which the Minor is present.

**Minor:** A person under the age of 18 who is not emancipated.

**Parent:** The Parent, legal guardian or custodian of a Minor who has responsibility for the Minor while in the University Workplace or Program, to include grandparents and other family members recognized as exercising authority over the Minor.

**Program:** Any University affiliated program or activity involving Minors offered by an academic or administrative unit of the University.

**Program Director:** The person responsible for overall direction and oversight of a Program.

**Responsible Employees:** Employees, including all full-time faculty, designated by the University who have administrative or supervisory responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings. Examples include security personnel, resident advisors, Vice Presidents and faculty advisors. Responsible Employees may also be Campus Security Authorities.

**Student:** Any person who is currently enrolled through the Enrollment Management & Student Success Office to take courses at the University of Guam.

**Third Party Program:** A Program sponsored by a non-University group using University facilities; for example, external groups holding workshops, sport camps, and conferences. This includes all related off-campus and off-island activities that involve Minors and the University.

**Volunteers:** Individuals who offer their services without cost to the University for civic reasons and who provide services not typically performed by permanent University employees.

**Workplace:** Any room, office, laboratory, University vehicle (including boats/ships), or other place where persons are conducting work on behalf of the University. The Workplace does not include an employee's home.

## **POLICY PROVISIONS**

### **I. Code of Conduct for Interacting with Minors**

All persons covered by this policy acting on behalf of the University are required by this policy to report actual or suspected abuse or other improper conduct involving a Minor. (See below, *Preventing and Reporting Child Abuse*).

The following Code of Conduct provides guidance for interacting with Minors and should be followed as closely as is reasonable under the circumstances:

1. Have no tolerance for violence. Do not engage in any abusive conduct of any kind:
  - Verbal
  - Striking
  - Hitting
  - Punching
  - Poking
  - Spanking
  - Restraining
2. If restraint is necessary to protect a minor or other minors from harm, all incidents must be documented and disclosed to the appropriate authorities.
3. When acting in your capacity for the University, avoid spending time alone, either on or off campus, with a Minor away from others, whenever possible. If one-on-one interaction is absolutely required, it is recommended that you meet in rooms or spaces with open doors and windows, observable by other adults from the Program, and follow any unit level guidelines.
4. Do not engage in any sexual actions, make sexual comments, tell sexual jokes, or share or view sexually explicit material with or within the vicinity of Minors.
5. Do not engage in hazing and bullying (physical, verbal or cyber-bullying).
6. Do not misuse or damage University property.
7. Do not use cameras and other digital recording devices in showers, restrooms, locker rooms, and other areas where privacy is expected.
8. Do not touch Minors in a manner that a reasonable person could interpret as inappropriate.
9. Touching should only be in the open/public and in response to the Minor's needs
  - Consistent with Program mission
  - Educational
  - Developmental
  - Health related (treatment of an injury)
10. Any resistance from the Minor should be respected.
11. Do not shower, bathe, or undress with or in the presence of a Minor.
12. Do not use, possess, or be under the influence of alcohol, marijuana, or other illegal drugs while on duty or when responsible for a Minor's welfare. This includes impairment by any drug, even if legally possessed and used.
13. Do not bring or possess fireworks, knives, or guns.
14. Do not use cigarettes, cigars, chewing tobacco, vapor devices, betel nut, or similar substance, around Minors.

15. Do not meet with Minors outside of established times for Program activities. Any exceptions require written parental authorization.
16. Avoid communicating with Minors through email, text messages, social networking websites, or other forms of social media unless there is an educational or programmatic purpose and the content of the communications is consistent with the mission of the Program and the University.
17. When transporting Minors in a Program, more than one adult from the Program must be present in the vehicle, except when multiple Minors will be in the vehicle at all times throughout the transportation, or when the Minor's Parent has given written permission. Avoid using personal vehicles whenever possible, and check with your insurance provider to be sure appropriate coverage is in place. All laws for every means of transportation must be followed (e.g., in a car must use seatbelts, in a watercraft must have appropriate water safety and fire fighting equipment, etc.)
18. All programs must comply with equal opportunity and anti-discrimination laws. Make all reasonable efforts to assure that programs with Minors are accessible without regard to race, color, national origin, genetic information, sex, age, sexual orientation, gender identity, religion, disability, or status as a veteran.
19. Do not tell a Minor, "This is just between the two of us," or use similar language that encourages Minors to keep secrets from their Parent(s).
20. If any action or failure to act with respect to a Minor seems like it may be inappropriate, do not do it; seek advice from the responsible higher authority.

These behaviors must be followed by Minors as well, where appropriate.

## II. Preventing and Reporting Child Abuse

The University's goal is to prevent Child Abuse from happening in the University community. To this end, employees, students, volunteers and others who interact with Minors should understand what Child Abuse is, and what to do when they observe or learn of anything that may be Child Abuse.

### *Responsible Employees and Mandated Reporters*

All employees and others acting under the direction and control of the University who observe or suspect Child Abuse or neglect must report the incident to their immediate supervisor or a higher authority and the University Safety and Security Office (671-888-2456, 24-hr cell phone). This includes volunteers and students working with University Programs, both on and off campus and off island.

Individuals with a legal mandate to report Child Abuse to a local law enforcement or social service agency are identified in 19 GCA § 13201 (a)(b) and § 13202. Guam law requires any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with children shall report when he or she has reason to suspect on the basis of his medical, professional or other training and experience that a child is an abused or neglected child.

An individual with a legal mandate to report to law enforcement or social services agencies should make those reports immediately, as required.

### *Reporting Procedures*

All persons covered by this policy should be alert to the physical and emotional state of all Minors each time they report for a Program. Any signs of injury relating to suspected Child Abuse should be reported to the appropriate authorities.

When suspected Child Abuse is observed or reported, a supervisor or Program Director must be informed and that person must contact the University Safety and Security Office (671-888-2456, 24-hr cell phone) to consult and determine next steps, and to ensure that a report is made to the appropriate campus authority or law enforcement agencies. All persons covered by this policy are expected to cooperate with these authorities as needed.

### *Protocol with Criminal Authorities*

Conduct that violates this policy may also constitute a crime under the laws of Guam. Whether or not any specific incident of misconduct constitutes a crime is a decision made solely by law enforcement. The University will establish protocols with criminal authorities, such as the Guam Police Department and the Office of the Attorney General, for reporting complaints for further investigation and determination.

### *Disciplining a Minor*

All persons covered by this policy will not, under any circumstances, discipline Minors by use of physical punishment or by withholding the necessities of care, such as food or shelter.

### III. Background Checks

The Program Director is responsible for ensuring that all persons covered by this policy who work directly with Minors have successfully completed the following checks (but not limited to):

1. Criminal background check.
2. Local and national sex offender registries. The Guam Sex Offender Registry is found at <http://www.guamcourts.org/sor/index.asp>.
3. Guam Police clearance.
4. Guam Court clearance.

Background checks are required of all Program and Third-Party Program staff staying in University housing with Minors. Third-Party Program organizers are expected to conduct background checks and will be asked to attest to this in their agreements with the University. The costs of the background checks, and other required official forms, are to be borne by persons covered by this policy or the Program, as appropriate.

Background checks may not be required for individuals whose only contact with Minors is in the context of an occasional event that is conducted entirely in public, or in other circumstances where it is unreasonable to require a background check, as determined by the respective Program Director.

Reference checks: In addition to the criminal background checks, Program Directors are expected to check the references given by all persons covered by this policy prior to their starting work in the Program.

### *High Risk Areas*

For any High Risk Areas (as defined above), the requirements set forth below must also be met:

If the individual serving as a host is not the Minor's Parent, a signed written parental permission agreement and emergency contact information must be submitted to the Program Director.

1. All programs must have at least one (1) CPR and AED recently trained/retrained employee or contractor on-site when Minors are present.
2. Minors will not be allowed into any area where there is an unreasonable risk of injury (e.g., close proximity to machinery, risk of exposure to dangerous substances, and the like).
3. Minors under the age of 12 years are not permitted in High Risk Areas unless approved in advance by appropriate personnel and with written Parental permission.
4. Appropriate precautions must be taken to avoid accidents and injuries to Minors, including the use of personal protective equipment recommended by the U.S. Occupational Safety and Health Administration ((OSHA), Guam Office at the Department of Labor, 671-300-4618/9) or Guam (and U.S.) Environmental Protection Agencies (Guam office, 671-300-4751/52/53).
5. Other safety devices, such as flotation devices when on the water (ocean or rivers), safety belts in vehicles, and bike helmets when on bicycles, are required by Guam and Federal law.
6. These devices should be inspected yearly or prior to program use. Minors participating in this activity must complete and submit the University Off-campus Activity Waiver Form.
7. When Minors are taken to water activities at a beach (ocean), pool, river, etc., for swimming, snorkeling, and similar activities, the Program is required to have at least one (1) employee or contractor who is a certified Life

Guard and who is present at all times. . Minors participating in this activity must complete and submit the University Off-campus Activity Waiver Form

#### *Required Identification for Minors*

Title 4 Guam Code Annotated § 4121 requires that Employment Identification Cards be issued to Minors. All employment identification cards issued to persons under the age of eighteen (18) years of age, who are employed in any branch of the government of Guam, including the Guam Legislature, Judiciary and Executive Branch, including all public corporations, autonomous agencies, the University of Guam and the Guam Community College shall prominently display the month and year in which such person will turn eighteen (18) years of age. Program administrators must work with the Human Resources Office to obtain the Employment Identification Cards. The costs will be borne by the appropriate Program.

#### IV. Youth Activities, Pre-Collegiate Programs, Camps, Conferences and Events

##### *University Programs*

Programs sponsored by a college, department or other unit that involve groups of Minors coming to campus, all persons covered by this policy interacting with Minors off campus, must be approved by the responsible Department or Unit Head or higher authority on the basis of a Program Plan. Acceptable Program Plans will meet the requirements of any University and unit level guidelines, or guidelines of the Third-Party Program organization, and should include, at a minimum:

1. A health and safety plan.
2. Enrollment materials that include appropriate disclosures of the nature of the Program, including requirements for participation.
3. Reliable methods of ensuring adequate supervision of Minors at all times.
4. Documents such as participation agreements, incident report forms, parental permission agreements, emergency contact information, medical release forms, photo and media release forms, and liability waivers.
5. Appropriate training of Program staff (including familiarity with this policy).
6. Any liability waivers collected by the Program should be retained for two (2) years after the end of the Program.
7. Adult: child supervision ratios within an age and activity appropriate range (generally, not less than one adult for every 12 Minors, with a higher ratio of adults for younger children; 1:10).

All Programs involving an overnight stay in the residence halls must be arranged through the Residence Hall Office.

##### *Third-Party Programs*

All Third-Party Programs fall within the scope of this policy, even those limited to daily activities or involving the housing of Minors in residence halls.

All Third-Party Program organizers will be required to disclose, in advance, whether or not Minors will be included among their participants or otherwise invited or allowed to be present in connection with their events.

Third-Party Program organizers will be provided with this policy by the sponsoring University department or unit. They must follow and enforce its provisions, and to report immediately to the University any incident involving a policy violation or any harm, endangerment, or inappropriate conduct involving a Minor that occurs during the Program. All Third-Party Program organizers and adult participants are mandatory reporters of Child Abuse under this policy.

It is the responsibility of the University-sponsoring department to assure that Third-Party Program organizers agree to these requirements by filling out and signing the appropriate forms.

## V. Health and Medical

Program Directors or organizers must:

1. Obtain and retain appropriate medical release from participants; forms available through the Office of Enrollment Management and Student Success <http://uog.edu/student-services/enrollment-management-student-success-emss>
2. As appropriate for the specific youth activity, collect participant information regarding special medical considerations (i.e., food allergies, insect stings or bites, allergic reactions, activity restrictions, injuries sustained prior to Program participation that might be aggravated or reinjured while participating in Program activities, possession or use of prescription medication, allergic reactions to medications, etc.).
3. Provide appropriate measures to protect the privacy of participants' personal information; including using only approved program evaluations.
4. Follow up to ensure that restrictions are appropriately applied (e.g. providing that alternative foods and other preventative measures are taken to avoid exposure when allergies are noted and ensuring that arrangements are made to prevent specific contacts in the case of severe allergies).

## VI. Housing (on campus, off-campus, off-island)

The Residence Hall Office will establish guidelines for use of University residence halls by groups with Minors.

These will include:

1. Security, loss prevention, and other housing-related safety and security issues.
2. Instructing participants about exit locations, evacuation procedures, and what to do in the event of an emergency.
3. Determining appropriate number of participants assigned to sleeping areas/spaces with consideration to gender and age.
4. Avoid having adults share a room with a youth unless it is their own child or in the case when a caregiver is required.
5. In a camp setting adults can share a cabin or tent with multiple youth; however, this should be shared with parents in writing or at an orientation before the event.
6. Establishing appropriate curfew times and procedures.

## VII. Transportation

Program plans will contain provisions regarding the safe transportation of Minors to and from, and during, the Program or Third-Party Program. The Office of Safety and Security provides guidelines that must be followed for the transportation of Minors. These guidelines can be found at Office of Enrollment Management and Student Success <http://uog.edu/student-services/enrollment-management-student-success-emss>

These include:

1. Parental consent for transportation (found in Application Form)
2. Release of Minor from transportation (found in Application Form)
3. Use of 15-passenger vans, as required by Guam law (i.e., driver has a Chauffer license and health certificate based on a physical and TB test)
4. Appropriate training for use of 12-passenger vans
5. Designation of drivers
6. Proof of valid driver's license and insurance for all drivers
7. Emergency and non-emergency medical transport
8. Ratio of adults to Minors during transportation
9. Motor vehicle record check

## **REQUIRED TRAINING**

All persons covered by this policy and who will be participating with Minors in a covered program or activity shall complete mandatory training on the conduct requirements of this policy, on protecting Minors from abusive emotional and physical treatment, and on appropriate or required reporting of incidents of improper conduct (including, but not limited, to appropriate law enforcement authorities). This training must be done when a person covered by this policy first comes to the program, or with all existing persons, and then annually after that.

In addition, the Human Resources Office in conjunction with the appropriate departments/areas, shall arrange for sufficient training sessions to permit covered programs and activities to continue to function on a regularly scheduled basis.

## **COMPLIANCE**

Compliance with this policy is required at all times. Failure to comply may result in disciplinary action pursuant to applicable rules and policies of the University. Compliance assistance, or possible exemptions from this policy, may be obtained by contacting the Offices of the Senior Vice President, Academic and Student Affairs (671-735-2994) or Vice President for Administration & Finance (671-735-2900).

## **REFERENCES**

Colorado State University, Protection of Minors, 2016, Policy ID # 6-8004-003. [Permission granted by CSU on June 22, 2017 for UOG use, as modified.]

4 GCA § 4121, Employment Identification Cards for minors.

9 GCA § 31.30, Child Abuse defined.

19 GCA § 13201 (a)(b) and § 13202, Report Child Abuse.

University of Guam's Sexual Misconduct Policy, 2016.

U.S. Occupational Safety and Health Administration ((OSHA), Guam Office at the Department of Labor, 671-300-4618/9) or Guam (and U.S.) Environmental Protection Agencies (Guam office, 671-300-4751/52/53).

## **FORMS AND TOOLS**

Forms can be found at: Enrollment Management and Student Success <http://uog.edu/student-services/enrollment-management-student-success-emss>

1. Youth Program Application
2. Photo and Media Release
3. Medical Release Form
4. Liability Waiver
5. Program Pick-up and Safe Arrival of Participant
6. Code of Conduct for Interacting with Minors
7. Checklist for Programs and Activities Involving Minors
8. Assumption of Risk, Release and Waiver of Liability and Indemnity Agreement for Off-Campus Transport
9. Program Plan Framework [to include a water safety program]
10. Youth Program Volunteer Application and Agreement Form
11. Guidelines for the Safe Transportation of Minors
12. Vehicle Log Sheet
13. Internal Incident Report Form