

Protection of Minors

ROWAN UNIVERSITY

TITLE: Protection of Minors
SUBJECT: Administration
POLICY NO: Adm: 2016:03
APPLIES: University-wide
ISSUING AUTHORITY: President
RESPONSIBLE AUTHORITY: Divisional Leader of the Sponsoring Unit
DATE ADOPTED: 05/03/2016
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I. PURPOSE

To provide guidelines for all Rowan University employees, faculty, staff, student employees, contractors, representatives, agents and volunteers of the appropriate protection and supervision of Minors participating in Rowan University-sponsored Programs, or in Programs operated by external entities that are held in or at Rowan University facilities/locations, and to ensure compliance with New Jersey's mandatory reporting obligations under N.J.S.A. 9:6-8.10, which requires any person having reasonable cause to believe that a minor child has been subjected to child abuse, including sexual abuse, or acts of child abuse to report the same immediately to the New Jersey Division of Child Protection and Permanency.

II. ACCOUNTABILITY

The Divisional Leader of the Sponsoring Unit shall ensure the implementation of and compliance with this policy.

III. APPLICABILITY

This policy applies to all Rowan University employees, faculty, staff, student employees, contractors, representatives, volunteers, and agents, all of whom have a duty to follow this policy to ensure appropriate protection and supervision of Minors participating in Rowan University-sponsored programs.

IV. REFERENCES

1. Whistleblower Policy ("Reporting Compliance & Ethics Concerns")
2. United Educator's On-Line Training Module, "Protecting Children: Identifying and Reporting Sexual Misconduct"
3. N.J.S.A. 9:6-8.10 ("Reports of Child Abuse")
4. N.J.S.A. 9:6-8.14 ("Violations Including Failure to Report; Disorderly Person")
5. New Jersey's Code of Criminal Justice
6. Laboratory Safety Policy

V. DEFINITIONS

This policy is subject to the following definitions:

1. *Abuse* – the physical, sexual or emotional harm or risk of harm to a child under the age of eighteen (18) caused by a parent or other person who acts as a caregiver for the child.
2. *Neglect* – when a parent or caregiver fails to provide proper supervision for a child or adequate food, clothing, shelter, education or medical care although financially able or assisted to do so.

3. *Minor* – A person under the age of eighteen (18) participating in a Rowan University-sponsored Program or a Program operated in or at Rowan University facilities/locations. While all suspected instances of Abuse or Neglect of a Minor must be reported under the State of New Jersey's Mandatory Reporting Requirements and Rowan University's Protection of Minors Policy, other policy requirements are not applicable to Rowan students under the age of 18 who are enrolled in the Rowan University undergraduate program, including Summer/Winter Session courses.
4. *Authorized Adult* – Individual(s), paid or unpaid, who is (are) authorized to supervise or regularly chaperone Minors. An Authorized Adult must be at least eighteen (18) years of age.
5. *Direct Contact Position or Job Title* – Position or job title that includes responsibility to exercise direct supervision, guidance, or control of Minors, which may include, but is not limited to, counselors or volunteers.
6. *Mandatory Reporting Requirements* – New Jersey is a mandatory reporting state. This means that any person having reasonable cause to believe that a Minor has been subjected to Abuse or Neglect, must report the same immediately to the New Jersey Division of Child Protection and Permanency ("DCP&P").
7. *One-on-one Contact* – Interaction between any Authorized Adult and a Minor without at least one other Authorized Adult, parent or legal guardian present.
8. *Programs* – Programs, events and activities offered by any Rowan University academic, administrative or athletic unit, or by external entities using Rowan University facilities/locations.
9. *Rowan University-sponsored Program* – Any Program that (a) involves the use of Rowan University funds to pay (or reimburse) expenses for all or part of the Program; (b) is being led in whole or in part by a Rowan University employee; and/or (c) is sponsored by (not just arranged through) a Rowan University college, school, or department.
10. *Sponsoring Unit* – The Rowan University academic, administrative or athletic unit that is offering or sponsoring a Program.

VI. POLICY

1. Rowan University is committed to the appropriate supervision and protection for all Minors participating in Rowan University-sponsored Programs on its campus and all Minors participating in Programs operated in or at Rowan University facilities/locations. As a New Jersey State entity, Rowan University adopts the policies and procedures mandated by New Jersey state law to protect minor children and the Mandatory Reporting Requirements of Abuse and Neglect.
2. At the very minimum, and regardless of whether or not Rowan University is sponsoring the Program at which the observation is made, New Jersey's Mandatory Reporting Requirements require all Rowan University employees, student employees, contractors, representatives, agents, and volunteers having reasonable cause to believe that a Minor has been subjected to Abuse or Neglect, to report the same immediately to the New Jersey Division of Child Protection and Permanency ("DCP&P"). Rowan University has the responsibility to ensure that all reports can be submitted without fear of retaliation or reprisal. Reports of Abuse or Neglect must be submitted immediately pursuant to the process set forth below in Section VI.7 (Mandatory Reporting Requirements).
3. Other than the Mandatory Reporting Requirements under this policy, the remaining requirements under this policy shall not apply to Rowan University's traditional academic activities involving enrolled students who are under the age of eighteen (18).
4. Other than the Mandatory Reporting Requirements under this policy, and the requirement to register the Program with University Events, the remaining requirements under this policy shall not be applicable to Programs that are open to the public, nor to Programs where Minors will be chaperoned by their parent (s)/guardian(s), or an adult chaperone who is not affiliated with Rowan University (i.e., school teacher), during their presence in or at Rowan University facilities/locations.

5. Rowan University shall make its best efforts to ensure that external entities sponsoring Programs in or at Rowan University facilities/locations are aware of the requirements to protect Minors under this policy. However, Rowan University is not responsible for ensuring that external entities comply with this policy or applicable law. It is Rowan University's expectation that external entities shall make reasonable efforts to implement best practices similar to those set forth in this policy if Minors will be present at their events in or on Rowan University's facilities/locations. The external entity is solely responsible for all individuals the external entity retains to staff or supervise the Program, to include but not be limited to all employees, volunteers, independent contractors, and agents of the external entity. Nothing in this paragraph shall be construed as discharging Rowan University employees, student employees, contractors, representatives, agents, or volunteers from their legal duty to submit a report to DCP&P when they have reasonable cause to believe that a Minor has been subjected to Abuse or Neglect.
6. Rowan University operates an early childhood educational program which is subject to additional statutory and regulatory requirements for the provision of childcare and education. Nothing stated herein is intended to limit Rowan University's ability to implement additional policies for its early childhood educational program.
7. Mandatory Reporting Requirements

- a. All Rowan University employees, student employees, contractors, representatives, volunteers, and agents having reasonable cause to believe that a Minor has been subjected to Abuse or Neglect, are required by law to report the same immediately to the Division of Child Protection and Permanency ("DCP&P") (formerly the Division of Youth and Family Services ("DYFS")). DCP&P operates a statewide child abuse hotline 24 hours per day, every day of the year. The telephone number is 1-877-NJ ABUSE (1-877-652-2873). A concerned caller does not need proof to report an allegation of Abuse or Neglect and can make the report anonymously. Any person who, in good faith, makes a report of Abuse or Neglect is immune from any criminal or civil liability as a result of such action. The report should include whatever information may be helpful, such as the identity of the alleged perpetrator, the names and addresses of the Minor and his/her parent or other guardian or caretaker, the Minor's age and the nature and extent of the Minor's injury, abuse or mistreatment.

In addition to making a report to DCP&P, the following internal Rowan University procedures must be followed by an individual having reasonable cause to believe that a Minor has been subjected to Abuse or Neglect, and their supervisor:

- i. The individual should immediately notify their supervisor of the situation. An initial verbal report to their supervisor is acceptable, with written documentation of the report to follow within 24 hours. For Athletics staff, a copy of this report must also be made provided to the Director of Athletics within the same period.
 - ii. The individual and their supervisor should immediately notify the Rowan University Department of Public Safety and Emergency Management at (856) 256-4922. Anonymous reports can be made using this number or via the 24 hour/7 days per week Integrity Hotline at (855) 431-9967, or via the web at <https://rowan.alertline.com>.
 - iii. The individual and their supervisor should notify the Dean of Students at (856) 256-4283 within 24 hours.
 - iv. Within forty-eight (48) hours of submitting a completed and approved report to DCP&P, a copy must be submitted to the Department of Public Safety Assistant Vice President /Emergency Management Coordinator and the Dean of Students for recordkeeping. In cases where Rowan University's Department of Public Safety and Emergency Management cannot or is not involved, the Dean of Students shall be the designated Rowan University official for purposes of the reporting and recordkeeping obligations hereunder.
- b. When a report made to DCP&P indicates that a Minor may be at risk, an investigator from DCP&P will promptly investigate the allegations of child abuse or neglect within twenty-four (24) hours of receipt of the report.

- c. Pursuant to N.J.S.A. 9:6-8.14(a), any person who knowingly fails to report an act of child abuse, having reasonable cause to believe that an act of child abuse has been committed, is a disorderly person. Penalties for disorderly persons can include fines not to exceed \$1,000 and/or imprisonment not to exceed six months.
 - d. Pursuant to N.J.S.A. 9:6-8.14(b), any person who knowingly fails to report an act of sexual abuse against a child, who has reasonable cause to believe that an act of sexual abuse has been committed, is guilty of a crime of the fourth degree. Penalties for fourth degree crimes can include fines not to exceed \$10,000 and/or imprisonment not to exceed 18 months.
 - e. All Rowan University employees, student employees, contractors, representatives, volunteers, and agents who may come into contact with Minors through any Rowan University-sponsored Program and/or become aware of a Minor participating in any Program that is engaging in self-injurious behavior, expressing suicidal ideation, plan or intent or homicidal ideation, plan or intent, or any other behavior that puts their own or other individual's health and safety at risk must contact the Police immediately at 911. Rowan University's Department of Public Safety & Emergency Management will be contacted for emergency response and/or transport to the nearest emergency room.
 - i. The immediate supervisor should then contact the Dean of Students, in consultation with the Director for Student Health Services, to develop an appropriate plan of action.
 - ii. At a minimum, the Minor's legal guardian(s) will be notified by the Dean of Students, or his /her designee, and the identified concern over health and safety will be communicated to the legal guardian.
 - iii. The Division Leader of the Sponsoring Unit and/or the individual responsible for running the Rowan-sponsored Program will consult with the Dean of Students to determine whether it would be appropriate for the Minor to continue participation in the Rowan-sponsored Program.
 - f. Rowan University shall not retaliate or engage in adverse employment action against any individual who reports a reasonable belief that a Minor has been subjected to Abuse or Neglect, or is engaging in self-injurious behavior or homicidal ideation. Rowan University prohibits retaliation against any individual who in good faith files a report in accordance with this section of the policy or participates in any investigation related to same. Retaliation is a serious violation of this policy and, like a policy violation itself, will be subject to disciplinary action.
8. Procedures for Rowan-sponsored Programs Involving Minors – Sponsoring Units operating a Rowan-sponsored Program involving Minors (not including minors matriculated as undergraduate students) must operate the Rowan-sponsored Program in accordance with the following guidelines.
- a. Registration / Compliance
 - i. Sponsoring Units holding a Rowan-sponsored Program involving Minors must register that Program with University Events. To register the Program, Sponsoring Units shall complete the Form at <http://go.rowan.edu/eventform> at least thirty (30) days before the Program.
 - ii. Following submission of the Event Registration Form, the Sponsoring Unit will be informed as to whether or not the "Compliance Requirements" below (i.e., sex offender registry checks, criminal background checks, training) apply to the Program. For some programs involving Minors, the Compliance Requirements may not apply, such as those open to the public or where the Minors will be chaperoned by a parent/guardian, or other adult not affiliated with Rowan (i.e., teacher). However, if the Compliance Requirements apply, the Sponsoring Unit must then submit a [Compliance Form](#) with University Events (via email at universityevents@rowan.edu), confirming compliance with the Compliance Requirements and this policy, by no later than fifteen (15) days prior to the Program.
 - iii. Please note, even if it is determined that the Compliance Requirements in this policy do not apply to the Program, the Mandatory Reporting Requirements will always be applicable.
 - iv. If the Compliance Requirements apply, Sponsoring Units should have parents/guardians execute a Rowan University Release and Waiver – "Parent/Guardian Approval for Minor Child to Participate in Rowan Activity or Event Form." for all Minors participating in the Program. A link to the form can be found here: <https://sites.rowan.edu/generalcounsel/forms-templates.html>. Questions regarding waivers can be directed to the Office of General Counsel at legalreview@rowan.edu or 856-256-5110.
 - b. Compliance Requirements

- i. All Rowan University Authorized Adults and those in a Direct Contact Position or Job Title who will participate in a Rowan University-sponsored Program involving Minors must undergo the following:
 1. Sex offender registry check must be completed within the twelve (12) month period preceding the start of the Program, conducted by the Sponsoring Unit via the Dru Sjodin National Sex Offender Public Website at <http://www.nsopw.gov/en-US>. The Sponsoring Unit is also responsible for maintaining these records.
 2. Criminal Background Check within at least the last four (4) years preceding the start of the Program, administered by Human Resources. Any inquiries can be directed to Human Resources at hr@rowan.edu with "Protection of Minors Policy – Background Check(s)" in the subject line. **NOTE:** Rowan student volunteers who participate in the Rowan University-sponsored Program under the supervision of a Rowan University faculty or staff member are not required to have a Criminal Background Check performed.
 3. Training on the conduct requirements of this policy, on protecting Minors from abuse, and on required reporting of incidents of improper conduct to the proper authorities. Training must have been completed within the twelve (12) month period preceding the start of the Program. Training will be administered by the Department of Risk Management and Insurance, and all related training needs and questions should be directed to Risk Management at (856) 256-4370 or (856) 256-4128. Risk Management will work with the Sponsoring Unit to enroll individuals into the training program, but is the responsibility of each Sponsoring Unit to ensure training is completed in compliance with this policy.
 - ii. Criminal Background Checks will be administered and records maintained by Human Resources, but it is the responsibility of each Sponsoring Unit to ensure Criminal Background Checks are conducted in compliance with this policy. The cost of Criminal Background Checks is the responsibility of the Sponsoring Unit.
 - iii. If a sex offender registry check or Criminal Background Check indicates a record of sexually based offenses or crimes against Minors, that individual may not participate in the Program. If other offenses are revealed by such checks, a copy of the report shall be given to the individual and the Dean of Students. If the Dean of Students determines that the individual should still participate in the Program, then the report must be provided to the committee specified in Section IV.4. of the University's Policy on Background Checks for Candidates for Employment for its review and final decision in accordance with the terms of that policy. Human Resources personnel, in collaboration with the Dean of Students as applicable, will convey the decision to the individual.
 - iv. All records related to Criminal Background Checks are confidential and will be treated as such. These records will be maintained in accordance with applicable law.
- c. Measures to Prevent Abuse of Minors
- i. All persons must make all reasonable efforts to remove Minors from dangerous or potentially dangerous situations.
 - ii. All persons subject to this policy are required to notify Rowan University (through the Department of Human Resources) immediately upon conviction of any crime. Failure to do so may result in the imposition of sanctions up to and including termination for cause.
 - iii. Authorized Adults and individuals in Direct Contact Positions or Job Titles participating in Programs covered by this policy must not, unless required by exigent circumstances:
 1. Have contact with Minors in one-on-one situations. When feasible, there should be two or more Authorized Adults and/or individuals in Direct Contact Positions or Job Titles present during activities when Minors are present. Where not feasible, an Authorized Adult may supervise a group of Minors.
Private one-on-one instruction is the accepted standard in limited educational settings, such as music lessons. In those situations, the Program shall take reasonable and appropriate measures to ensure the safety of Minors. Such measures shall include at a minimum, notification to the parents or guardians of the Minors of the intended educational setting and a signed acknowledgment of same.

2. Enter a Minor's bedroom, bathroom facility, or similar area when that Minor is staying overnight in Rowan University housing without another Authorized Adult or individual in Direct Contact Positions or Job Titles in attendance.
 3. Share accommodations with Minors, with the exception of a Minor's parents or guardians sharing accommodations with their own children.
 4. Engage in abusive conduct of any kind toward, or in the presence of, a Minor.
 5. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner any Minor.
 6. Provide vehicular transportation to Minors at any location, other than the driver's child(ren), except as specifically authorized in writing by the Minors' parent or legal guardian.
 7. Provide alcohol or illegal drugs to any Minor. Authorized Adults or individuals in Direct Contact Positions or Job Titles must not provide prescription drugs or any medication to a Minor unless specifically authorized in writing by the parent or legal guardian as being required for the Minor's care or the Minor's emergency treatment.
- iv. If an allegation of inappropriate conduct has been made against an Authorized Adult or person in a Direct Contact Position or Job Title participating in a Program, that person shall not be permitted to participate in the Program until such allegation has been satisfactorily resolved by Rowan University.
- d. Measures to Maintain Adequate Supervision of Minors
- i. Whenever feasible, all activities involving Minors should be supervised by at least two or more Authorized Adults or individuals in Direct Contact Positions or Job Titles, or by the Minor's parent(s) or legal guardian(s) at all times.
 1. "Adequate supervision" will depend upon the number and age of Minor participants; the activity(ies) involved; the type of housing, if applicable; and age and experience of the supervisors.
 - ii. Students who are at minimum 18-years-old and are participating in the Program as either employees or volunteers may supervise Minor participants, subject to the same policy requirements provided herein.
 - iii. Where Rowan University Housing is provided, Programs must adopt and implement rules and regulations for proper supervision of Minors while in housing. The following minimum standards must be included:
 1. All Programs involving housing of minors must register with University Events and receive advance permission of the Program.
 2. Guidelines on adequate number of staff for supervision of Minors in particular activities.
 3. Written permission signed by the parent/guardian for the Minor to reside in University housing, including contact information for parents and emergency medical authorization. This permission form should be maintained by University Events and a copy shall be provided to the Office of Risk Management.
 4. Guests of participants, if allowed (other than a parent/legal guardian and other Program participants), are restricted to visitation in common areas only of the building, and only during approved hours specified by the Program.
 5. The Program must comply with all security measures and procedures specified by Residential Learning.
 6. Pre-enrollment visit programs for High School students housed overnight in residence halls must be registered with the Office of Residence Life.
- e. Measures to Address Medical and Emergency Situations involving Minors
- i. Authorization of and Access to Emergency Medical Services
 1. An authorization for medical treatment, release of medical information (HIPAA), emergency treatment and general medical liability waiver form must be completed, as applicable, by the parent or guardian of each participant. University Events will notify the Sponsoring Unit which forms are necessary.
 2. Programs must arrange for access to emergency medical services at all locations. Medical care appropriate for the nature of the Programs, expected attendance and other variables should be taken into consideration. In case of emergency, individuals must call 9-1-1.

ii. Distribution or Administration of Medications

1. Medication may be distributed to the Minor by Program staff only in accordance with written authorization from the Minor's parent or legal guardian, as applicable. University Events will notify the Sponsoring Unit when authorization is necessary. All such medication must be provided in its original pharmacy container labeled with the Minor's name, name of the medication, dosage and timing of consumption. Over-the-counter medications must be provided in the manufacturers' original container.
2. Staff shall keep medication in a secure location, and at the appropriate time for distribution shall meet with the Minor, as appropriate given the nature of the Program.
3. Any medication which the Minor cannot self-administer must be stored and administered in accordance with the fully executed medication permission form signed by the parent or guardian.

iii. Safety Measures for Laboratory or Research Activities - All programs which include laboratory or research activities must follow appropriate safety measures approved by the Rowan University Office of Environmental Health & Safety.

iv. Notification Provided to Parents/Guardians in an Emergency - Programs must establish a procedure for the notification of the Minor's parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant Program disruptions.

9. Minors Not Participating in a Rowan University-sponsored Program - Rowan University is a university campus and is generally not a proper environment for Minors who are not directly accompanied by a parent or guardian unless they are registered in a Program planned for Minors, and adequately supervised by adults who have the appropriate training and credentials. Accordingly, the following rules shall apply:

- a. Rowan University students who have a Minor relative, friend or other guest visiting them and/or staying overnight in Rowan University housing must comply with all applicable policies and procedures in the Student Handbook.
- b. Rowan University students may not babysit Minors in their campus housing, including but not limited to dormitory rooms. This prohibition applies even if the student is not being paid for babysitting.
- c. Pursuant to other Rowan University policies and/or Federal and/or State laws and regulations, Minors should not be present in certain facilities/locations and environments. If a parent or guardian brings his or her Minor child to work, the parent or guardian is responsible for the Minor's welfare and must ensure that the Minor does not visit such restricted facilities/locations or environments.
- d. Minors must not be left unsupervised on Rowan University's campus. It is the responsibility of those who bring Minors to campus to ensure appropriate and continuous supervision.