

7.04.00.00 Programs for Minors on Campus



7.04.00.00 Programs for Minors on Campus

Policy/Guideline Area

Safety and Security

Applicable Divisions

TCATs, Community Colleges

Purpose

Institutions must promote a safe environment for children who participate in on-campus programs and activities as well as off-campus programs and activities sponsored by a college, including online programs. The purpose of this policy is to foster a culture that is committed to preventing, recognizing, reporting, and addressing child abuse and child sexual abuse.

Definitions

- Acceptable Visitation means:
 - Employee or student is a minor and is enrolled in a credit/non-credit course;
 - Employee or student bringing an infant or small child for a brief social visit;
 - With supervisor or instructor permission and under certain limited and unforeseen circumstances (such as school closings), an employee or student bringing a minor child to a class or to work with the following restrictions:
 - Minor child cannot be ill
 - Minor child cannot be disruptive
 - Minor child must be supervised by the parent/guardian
 - Minor child cannot be left unattended while the employee/student is in class
 - Minor child cannot be left with a fellow student or co-worker

- Covered Adult means a person:
 - Who is eighteen (18) years of age or older; and
 - Who is an employee (whether faculty or staff, regular, term appointment, student, full-time, or part-time) of, or a person in a contractual or volunteer position with the college; and
 - Whom the Program Director reasonably anticipates will have direct contact with a minor in a Covered Program, by reason of the person's employment, contractual, or volunteer status with the institution.
- Covered Program means:
 - A program or activity in which minors may participate that is sponsored (whether in person or online) by the college; or
 - A program or activity in which minors may participate that is sponsored by an entity other than the college and involves use of college owned or controlled facilities.

Examples of Covered Programs include, but are not limited to, athletic camps, academic camps, lessons, workshops, competitions, and clinics.

- Covered Program does not include:
 - A program or activity at which it is required or expected that a minor be accompanied by a parent or guardian;
 - A program or activity designed primarily for enrolled college or high school students, including dual enrollment, middle college, credit courses, and community service projects organized by the college;
 - A program or activity open to the general public;
 - A program or activity using the college's facilities that is conducted by other educational institutions, including but not limited to local K-12 schools, such as science fairs or Destination Imagination;
 - Orientation and campus tour/visitation programs;
 - Field trips supervised by a minor participant's school or organization and not sponsored by the college;

- Social functions that may be attended by minors accompanied by a parent or guardian; or
- Student teaching practicums.

Questions regarding whether a program/activity is subject to this policy should be addressed to the Programs for Minors Coordinator or other person designated by the President.

- Minor or Child means a person who is under eighteen (18) years of age or is reasonably presumed to be under eighteen (18) years of age.
- Program Director means the person primarily responsible for the management and oversight of a Covered Program, including identifying all Covered Adults and ensuring the Covered Program's compliance with this policy. With respect to a Covered Program not sponsored by the college, the Program Director is the college employee who serves as the primary college contact with the third party who is sponsoring the Covered Program.
- Programs for Minors Coordinator means the person appointed by the President to be responsible for the college's compliance with this policy and for oversight of Covered Programs and Program Directors.

Policy/Guideline

I. Prevention of Child Abuse

A. Training

1. The Programs for Minors Coordinator shall provide training programs designed to teach how to prevent, recognize, and address child abuse.
2. Program Directors and Covered Adults are required to take training prior to participation in a Covered Program. Retraining for Program Directors and Covered Adults is required every other year.
3. At a minimum, the training must address the following topics:
 - a. Definition of child abuse;
 - b. Signs, symptoms, and effects of child abuse;

- c. Response to suspected child abuse, including but not limited to reporting suspected child abuse under Tennessee law and this policy; and
- d. Child abuse prevention strategies.

B. Background Checks

1. The Programs for Minors Coordinator is responsible for ensuring that background checks for Covered Programs sponsored by the college are conducted on all Covered Adults prior to initial participation in a Covered Program and then no less frequently than every four (4) years. The criminal background check should be the same as used for employees who are subject to background checks.
2. For Covered Programs not sponsored by the institution, background checks are required only when the Covered Program is sponsored or operated by an employee of the institution (whether faculty or staff, full-time or part-time). E.g., certain athletics camps and clinics operated by a coach outside of the coach's institutional capacity. In such situations, the Covered Program shall conduct background checks on adults whom the Program for Minors Coordinator reasonably anticipates will have direct contact with a minor in the Covered Program.
3. Program Directors are responsible for notifying the Programs for Minors Coordinator of Covered Adults who plan to participate in a Covered Program in sufficient time for Covered Adults to undergo a background check and to receive training.
4. Student volunteers who are actively enrolled in the college are not required to submit to a criminal background check, but a National Sex Offender public website and the Tennessee Department of Health's online abuse registry must be checked prior to participation in the Covered Program prior to the event.

5. If a person's criminal background check indicates a conviction of any sexual offense; any offense against children; battery or assault; drug distribution offense or felony drug possession; homicide; kidnapping; or any felony or crime involving moral turpitude, the Programs for Minors Coordinator shall determine appropriate action in consultation with the Office of General Counsel and the President.
6. The Programs for Minors Coordinator shall ensure that restrictions on participation are timely conveyed to Covered Adult and the Program Director.

C. Exceptions to Background Checks

1. If it is not feasible to conduct full criminal background checks due to volume, timing, or for other reasons, the Programs for Minors Coordinator, following consultation with the President, may permit preventive measures as outlined below in lieu of criminal background checks and training.
2. If the Programs for Minors Coordinator grants an exception, the Program Director is responsible for ensuring that:
 - a. All Covered Adults are checked and cleared using the National Sex Offender Registry's public website, Tennessee Felony Offender registry, and the Tennessee Department of Health's (TDOH) online abuse registry prior to participating in the Covered Program.
 - b. All Covered Adults work in a public place during the Covered Program, are supervised by a Covered Adult who has undergone a criminal background check, and present photo identification prior to the participation in the Covered Program.
 - c. All Covered Adults sign a statement verifying their understanding of, and agreement to comply with, Tennessee's law on the mandatory reporting of child abuse and child sex abuse.

- d. The required documentation is provided to the Programs for Minors Coordinator.
3. For Covered Programs not sponsored by the college, the Program Director shall require the sponsor of the Covered Program to sign an agreement to indemnify and hold harmless the college for the acts or omissions of the program participants or the sponsor's employees or agents. The college may require the sponsor to provide proof of insurance satisfactory to the college. A copy of the completed agreement shall be forwarded to the Programs for Minors Coordinator. This requirement does not apply to a governmental entity that is prohibited by law from signing an indemnification agreement.

II. Reporting Requirements

A. External Reporting

1. Tennessee law mandates reporting by any person who has knowledge of physical or mental harm to a child if: (a) the nature of the harm reasonably indicates it was caused by brutality, abuse, or neglect; or (b) on the basis of available information, the harm reasonably appears to have been caused by brutality, abuse, or neglect. Tennessee law also mandates reporting by any person who knows or has reasonable cause to suspect that a child has been sexually abused, regardless of whether the child has sustained an apparent injury as a result of the abuse.
2. The Tennessee mandatory reporting laws apply to all college employees, contractors, and volunteers, even if they are not Covered Adults, and even if the child abuse or child sexual abuse did not occur in connection with a Covered Program.
3. A report of child abuse or child sexual abuse must be made immediately to the Tennessee Department of Children's Services at the Central Intake

Child Abuse Hotline at 1-877- 542-2873 or 1-877-237-0004. In the event of a life-threatening emergency, 911 should be contacted first.

4. Tennessee law provides immunity from civil and criminal liability for any person who makes a good faith report of suspected child abuse or child sexual abuse. In addition, no person making a good faith report of suspected child abuse or child sexual abuse, or participating in an investigation, shall be subject to retaliation by the college.

B. Internal Reporting

1. Reporting to college Police/Security, a supervisor, or any other college official or employee does not satisfy the legal duty for individuals to report child abuse and child sex abuse.
2. After reporting child abuse or child sexual abuse to the Tennessee Department of Children's Services, a college employee shall also provide notice of the report to their supervisor and the Programs for Minors Coordinator or other person identified by the President.
3. Upon receiving such a report, the employee's supervisor and the Programs for Minors Coordinator shall ensure that the Tennessee mandatory reporting statute has been followed and report the matter to the President or other person identified by the President.
4. The college shall ensure Clery Act compliance, evaluate whether there is also a legal duty to report the incident as a crime statistic, and whether to issue a timely warning notice.

III. Standards of Conduct Related to Covered Programs and Covered Adults

A. Covered Adults shall not:

1. Be alone in a vehicle with a minor, regardless of parent/guardian express or implied permission.

2. Utilize college facilities and resources to interact with minors outside of the scheduled time of the Covered Program.
3. Be alone with a minor away from other people. If one-one interaction is required, the Covered Adult should obtain advance approval from the Program Director and meet in open spaces observable by others.
4. Have physical contact or communication (either in person or electronically) with minors, except as appropriate to the nature of the Covered Program.
5. Meet a minor off of the site of the Covered Program or after the hours of the Program, even if another Covered Adult is present.
6. Strike, shake, slap, administer corporal punishment to, or touch in an inappropriate or illegal manner, any minor.
7. Humiliate, ridicule, threaten, or degrade a minor.
8. Sleep in the same room or other enclosed space (such as a tent) as a minor, unless the Covered Adult is a parent, guardian, or relative of said minor.
9. Shower or bathe with a minor or in the presence of a minor, unless the Covered Adult is a parent, guardian, or relative of said minor.
10. Dress or undress in the presence of a minor, unless the Covered Adult is a parent, guardian, or relative of said minor.
11. Use any language that encourages a minor to keep a secret from a parent/guardian, such as "this is between the two of us."
12. Invade the privacy of minors by intruding in situations such as changing clothes and taking showers, unless required for health and safety reasons.
13. Wear inappropriate clothing (immodest, contains inappropriate advertising, etc.), as determined by the Program Director, when interacting with minors.

14. Possess or engage in the use of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs, during the Covered Program.
15. Provide alcohol, illegal drugs, prescription drugs, or any other medication to a minor.
16. Take a photograph or video of a minor or post information about a minor on the Internet or social media without the written permission of the minor's parent or guardian.
17. Give a personal gift to a minor.
18. View pornography during the Program, or make any form of pornography available to a minor participating in the Program, or assist a minor in any way in gaining access to any form of pornography.
19. Permit minor children in spaces where inherent dangers exist such as, but not limited to, biology/chemistry labs, some art labs, the welding lab, etc.

IV. Acceptable Visitation by Minors

- A. There may be times when a student requests to bring a child to class in order not to miss class or an employee requests to bring a child to work in order not to miss work.
- B. Acceptable Visitation is for limited, non-recurring events and may be permitted by the instructor or the supervisor. Acceptable Visitation is not a routine or regular event, and under no circumstance should a sick child be brought to the college.
- C. If Acceptable Visitation is permitted, the parent/guardian must have the child stay with them; not ask another student or co-worker to watch the child; not leave the child unattended in a classroom, common area, car, or office; and remove the child if the child causes a disruption.
- D. The student or parent assumes full and complete responsibility for the child while on campus and for ensuring that the child does not engage in any

behavior that could reasonably be found to be distracting, loud, boisterous, or inappropriate for a working or learning environment.

- E. Enforcement of Acceptable Visitation standards is the responsibility of the instructor if the person is a student or the supervisor if the person is an employee. Where it is not clear who the instructor or supervisor is, enforcement will lie with the administrator addressing the disruption.
- F. The Police Department should be contacted when minor children are found to be unattended.

Exhibits

For Exhibits, click the Attachments button at the top right of the page.



Sources

Authority

T.C.A. § 49-8-203

History

New policy approved March 25, 2021 to be effective September 1, 2021.