



Office of Legal Counsel

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MEMORANDUM

To: Staff and Academic Departments

From: The Office of Legal Counsel

Date: April 9, 2018

Re: University Sponsored Programs Involving Minors

All University-sponsored programs/activities providing services to or activities for minor children are subject to the following requirements.

Definitions

A *minor* is an individual under the age of 18.

A *University-sponsored program/activity* is defined as follows:

- Any program or activity on University owned or controlled property that the University operates or sponsors and in which University students, faculty or staff engage through their University roles.
- Examples of University-sponsored programs/activities include, but are not limited to, workshops, sport camps, academic camps, conferences, any activity involving an overnight stay including overnight pre-enrollment and recruiting visits/activities, and other similar activities. One-time, short term events such as informational sessions, exhibitions open to the general public, and school-day field trip visits from primary/secondary schools or third-party programs are not included.
- Any questions about whether a program or activity is covered by this definition should be directed to the Office of Legal Counsel.

The *Program Coordinator* is the individual with ultimate responsibility for the coordination and administration of the University-sponsored program or activity.

Requirements

- Departments must have permission from their division head prior to hosting any programs or activities that provide services to or activities for minors.
- All University employees must have a background check on file with Human Resources.

- All volunteers must complete a Volunteer Form and have a background check on file with the Office of Legal Counsel.
 - The Volunteer Form can be accessed on the Office of Legal Counsel website.
<http://www.memphis.edu/legal/volunteerforms1.pdf>
 - For assistance with volunteer background checks, departments may contact Human Resources Workforce Management at 901.678.3573. Workforce Management can facilitate the background check at cost to the department.
 - The Volunteer Form and the completed background check should be submitted to the Office of Legal Counsel, together, at least seven (7) days prior to the first day of the program or activity.
- A Tennessee Sex Offender Registry check must be completed for all individuals (employees and volunteers) and certification made that the check has been performed and that there is no record for the individual. The Tennessee Sex Offender Registry can be accessed here: <https://www.tn.gov/tbi/general-information/tennessee-sex-offender-registry.html>.
- Program Coordinators should have the department head complete the attached **Addendum A** certifying completion of background and sex offender registry checks and training, as well as verifying appropriate staff:participant ratios.
- Attached **Addendum B** should be provided to all employees and volunteers working with the program.
- All employees must complete the Minors on Campus training in Learning Curve <https://bf.memphis.edu/training/>. Employees must also acknowledge receipt of the Minors on Campus Guidelines, including state law reporting requirements that are included in attached **Addendum B**. The Program Coordinator should maintain a copy of the acknowledgement as well as verification from Learning Curve that the training has been completed. Files will be subject to audit.
- All volunteers must receive a copy of the Minors on Campus PowerPoint training and acknowledge receipt of the Minors on Campus Guidelines, including state law reporting requirements, that is included in attached **Addendum B**. The Program Coordinator should maintain copies of all acknowledgements. Files will be subject to audit.

Departments who allow non-University entities (e.g. local non-profits, school systems) to utilize space should have the responsible official for the organization complete **Addendum C** which should be submitted to the Office of Legal Counsel.

The Office of Legal Counsel has also developed form templates that can be used in the administration of your program or activity. Forms available include a general permission slip, liability release, medical release, and self-medication forms. All forms can be accessed at <http://www.memphis.edu/legal/forms/index.php> by selecting Minors on Campus.

Addendum A

UNIVERSITY OF MEMPHIS

MINORS ON CAMPUS DEPARTMENT CERTIFICATION

DEPARTMENT NAME: _____

NAME OF PROGRAM: _____

DATES OF PROGRAM: _____

Background/Sex Offender Registry Checks

Background and sex offender registry checks are required for each employee and volunteer working with University programs/activities that provide services to or activities for minors on campus. Background checks must be on file with either HR (for employees) or the Office of Legal Counsel (volunteers). Sex offender registry checks must have been made within three (3) months of the start of the program/activity. Convictions of child abuse/neglect or violent crimes will be disqualifying factors.

Volunteers

Volunteers (including student volunteers) must complete a Volunteer Form (located on the Office of Legal Counsel website), which must be submitted to the Office of Legal Counsel five (5) days prior to the scheduled start of the program/activity to ensure time for filing with the State of Tennessee.

Staff:Participant Ratios

Programs must meet the staff:participant ratios as indicated in the guidelines.

Training

All employees must complete the Minors on Campus training in Learning Curve. Volunteers must receive a copy of the PowerPoint presentation. Employees and volunteers must acknowledge receipt of the Minors on Campus guidelines, the PowerPoint training, and state law reporting requirements.

Certification

This document should be signed by the department/division head acknowledging that background checks and sex offender registry checks have been completed on all employees and volunteers working with the program/activity and that all have either completed or received the required training and guidelines. A complete listing of all individuals, including student volunteers, working with the program/activity should be provided as an attachment to this certification.

By signing below, I acknowledge that the attached list of employees and volunteers represent all individuals who will be working with the above-noted program/activity; that satisfactory background and sex offender registry checks have been completed; that training has been provided; and, that the appropriate staff:participant ratio will be maintained.

Name Date

Title Department



**Working with Minors:
Information for Those Participating in University-
Run or Affiliated Programs or Activities Involving Minors**

The University of Memphis community has a strong interest in how our society cares for children and the most vulnerable among us and wants to do what it can to prevent the victimization of child and adolescent minors and promote their safety. To further this goal, this packet contains important information that individuals must review if they are participating in a University sponsored or affiliated program/activity.

You are receiving this information because you have been identified as participating in a covered program or activity. You must review the information in this packet and return the attached certification indicating that you have read the packet and agree to comply with the requirements it describes. You must also determine whether you may be a mandated reporter and agree to comply with the obligations imposed by law and by the University on mandated reporters. You may also be required to review additional materials that are germane to your specific situation.

This informational packet contains the following:

- 1) Guidelines for working with minors that will help you to maintain safe and positive interactions and reduce the risk of mistaken allegations;
- 2) Minors on Campus Power Point presentation (if a volunteer);
- 3) Staff:Participant Ratios
- 4) Steps to take if you suspect that a minor has been abused or neglected or is otherwise unsafe, including information about how to report your suspicions or ask questions;
- 5) An acknowledgement form that you must sign to certify that you have read and understood the information and will comply with your obligations as a mandated child abuse/neglect reporter.

GUIDELINES FOR WORKING WITH MINORS

Do:

- Maintain the highest standards of personal behavior at all times when interacting with minors.
- Whenever possible, try to have another adult present when you are working with minors in an unsupervised setting. Conduct necessary one-on-one interactions with minors in a public environment where you can be observed.
- Listen to and interact with minors and provide appropriate praise and positive reinforcement.
- Treat all minors in a group consistently and fairly, and with respect and dignity.
- Be friendly with minors within the context of the formal program or activity while maintaining appropriate boundaries.
- Maintain discipline and discourage inappropriate behavior by minors, consulting with your supervisors if you need help with misbehaving youth.
- Be aware of how your actions and intentions might be perceived and could be misinterpreted.
- Consult with other adult supervisors or colleagues when you feel uncertain about a situation.

Don't:

- Don't spend significant time alone with one minor away from the group or conduct private interactions with minors in enclosed spaces or behind closed doors.
- Don't engage in inappropriate touching or have any physical contact with a minor in private locations.
- Don't use inappropriate language, tell risqué jokes, or make any sexually suggestive comments around minors, even if minors themselves are doing so.
- Don't give personal gifts to, or do special favors for, a minor or do things that may be seen as favoring one minor over others.
- Don't share information with minors about your private life or have informal or purely social contact with minor program participants outside of program activities.
- Don't strike or hit a minor, or use corporal punishment or other punishment involving physical pain or discomfort.
- Don't relate to minors as if they were peers, conduct private correspondence or take on the role of "confidant" (outside of a professional counseling relationship).
- Don't date or become romantically or sexually involved with a minor. Don't show pornography to minors or involve minors in pornographic activities.
- Don't provide alcohol or drugs to minors or use them in presence of minors.

All University sponsored or affiliated programs/activities are responsible for ensuring appropriate staff-to-participant ratio according to the guidelines of the American Camp Association.

Staff to Participant Ratios

Ages	Day Camps	Overnight Camps
5 years and younger	1:6	1:5
6-8 years	1:8	1:6
9-14 years	1:10	1:8
15-18 years	1:12	1:10

REPORTING RESPONSIBILITIES

EVERY PERSON HAS AN OBLIGATION TO REPORT CHILD ABUSE!

Mandatory reporters of child abuse and neglect.

Tennessee Code Annotated 37-1-403(i)(1) requires all persons to report suspected cases of child abuse or neglect. "Any person who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition, shall report such harm immediately if the harm is of such a nature as to reasonably indicated that it has been caused by brutality abuse, or neglect or that, on basis of available information, reasonably appears to have been caused by brutality, abuse, or neglect."

What to do if you suspect that a minor has been abused or neglected or is otherwise unsafe.

If you know, suspect, or receive information indicating that a minor has been abused or neglected, or if you have other concerns about a situation involving the safety of minors, follow the procedures below.

- **Emergencies**

In case of an emergency, immediately call University of Memphis's Police Services emergency number at 901.678.HELP(4357) or 911.

- **All Other Reports of Known or Suspected Abuse or Neglect of Minors**

Anyone participating in a University-run or affiliated program or activity involving minors who knows, suspects, or receives information indicating that a minor has been abused or neglected, or who has other concerns about the safety of minors **MUST** inform University Police Services who will determine appropriate next steps.

- Anyone who knows or suspects abuse or neglect of minors may also notify the Memphis Police Department, Shelby County Sheriff's Office or the Tennessee Child Abuse Hotline at 877-237-0004.

Failure to report abuse is a violation of the law and a Class A misdemeanor, carrying a sentence of up to three months imprisonment, a fine or both. Those who report and "act in good faith" are immune from any civil or criminal charges which may result. The reporter has the right to remain confidential and anonymous.

Questions

If you have any questions about your obligations or what you should do in a situation that makes you uncomfortable, contact University Police Services.



**Statement of Acknowledgment
Minors on Campus**

I, _____ (name), certify that I have read and understand the University of Memphis's policies regarding minors on campus.

I have also reviewed and affirm receipt of the Guidelines for Working with Minors and the Power Point presentation training on Minors on Campus. I agree to comply with University policy and all of the guidelines with which I have been presented including the duty to report child abuse.

I understand that under Tennessee law I must report any suspected child abuse and that failure to report suspected child abuse to the authorities is against the law.

I understand that as a person who interacts with minors under the auspices of UoM, I may be required to undergo a criminal history background check with results acceptable to UoM. I certify that I have never been convicted of a crime related to the abuse or neglect of minors or entered a guilty plea or other plea associated with a crime related to the abuse or neglect of minors.

Printed Name

Signature

Name of Program/Activity

Date

Addendum C
UNIVERSITY OF MEMPHIS
MINORS ON CAMPUS CERTIFICATION

NAME OF PROGRAM: _____
DATES OF PROGRAM: _____

As an individual or organization providing services to children and youth through the use of University of Memphis facilities, you are subject to the policies and guidelines of the University as it relates to minors on campus.

University guidelines require that all individuals who will be working with and/or providing services to children and youth must have undergone background and sex offender registry checks prior to service. Further, all individuals should be notified of their responsibilities under Tennessee state law for the mandatory reporting of child abuse or neglect.

The University further requires proof of comprehensive liability insurance. The insurance should also include coverage for sexual misconduct with limits not less than One Million Dollars (\$1,000,000) combined single limit for any one occurrence/Two Million Dollars (\$2,000,000) aggregate. The University of Memphis must be named as an additional insured. Proof of insurance must be provided to the University at least seven (7) days prior to the scheduled use of University property or facilities.

Certification

This document should be signed by the Program Director acknowledging that background checks and sex offender registry checks have been completed on all employees and volunteers working with the program/activity and that all have been notified of their mandatory reporting responsibilities.

By signing below, I acknowledge that background and sex offender registry checks have been completed on all individuals associated with the program/activity and that they have been notified of their mandatory reporting responsibilities under Tennessee law.

Name Date

Title Organization