



BOISE STATE UNIVERSITY

University Policy 12060

Protection of Minors

Effective Date

September 2014

Last Revision Date

September 19, 2022

Responsible Party

Office of Institutional Compliance and Ethics, (208) 426-1258

Scope and Audience

This policy applies to all faculty, staff, students, contractors, subcontractors, and volunteers who interact with Minors through University-Sponsored or -Affiliated Programs or Activities that accept Custody and Control of the Minor participants, as well as Non-University Programs involving Minors held on University property that accept Custody and Control of the Minor participants.

University faculty and others on campus who only interact in classes or other normal academic settings with University undergraduate students who may be Minors are not obligated to undergo the training or Background Verifications required by this policy. Appendices to this policy establish specific requirements and procedures and may be updated from time to time.

Questions regarding whether a program or activity is subject to this policy should be directed to the Office of Institutional Compliance and Ethics.

Additional Authority

- Idaho Code § 16-1605
- University Policy 1065 (Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking)

- University Policy 7005 (Background Verifications)
 - University Policy 7020 (Drug and Alcohol Free Workplace)
 - University Policy 7520 (Self-Disclosure of Criminal Proceedings)
 - University Policy 12000 (Clery Act Compliance)
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1. Policy Purpose

To ensure the protection and safety of Minors on campus.

2. Policy Statement

This Policy establishes guidelines for those in the University community who may work or interact with Minors, with the goal of promoting the safety and wellbeing of Minors.

The University is committed to the shared values of caring, citizenship, and responsibility. Under this umbrella of shared values, all faculty, staff, students, contractors, subcontractors, and volunteers will prevent Minor Abuse, when possible, and report it when suspected.

3. Definitions

3.1 Background Verification

The gathering and review of any or all of the following as defined by University Policy 7005 (Background Verifications): Excluded Parties List System (EPLS) records; criminal history records; financial history records; motor vehicle records; review of degree, educational, and licensure records; controlled substances screening records, and reference checks.

3.2 Custody and Control

Accepting supervision over and responsibility for Minors in the absence of their parent(s) or other legal guardian(s). If no form of contract, waiver, or written assumption of supervision is entered into with a Minor's legal guardian, there is a presumption that the University Program or Non-University Program has not assumed Custody and Control over a Minor.

3.3 Minor

Any person under the age of eighteen (18). University students who are under the age of eighteen (18) are treated by this policy similarly to all other students for purposes of their interactions with Minors in University Programs and Non-University Programs, subject to the requirements that apply to other students.

3.4 Minor Abuse

The infliction of physical injury, sexual abuse or exploitation of a Minor (whether by an adult or another Minor); negligent treatment or maltreatment of a Minor; or abandonment of a Minor. This includes the failure to make reasonable efforts to prevent Minor Abuse as well as emotional injury. *See* Appendix B, Signs of Abuse and Neglect, for more detail.

3.5 Non-University Program(s)

Any program or activity held on University property involving Minors that the University does not operate or sponsor where the responsibility for Custody and Control of the Minor participant(s) is assumed by the Non-University Program or activity. Examples of Non-University Programs include but are not limited to athletic camps, academic camps, lessons, workshops, competitions, and clinics.

Examples of Non-University Programs that are not subject to this policy include but are not limited to:

- 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 open to the general public
- A program or activity using University-owned or -controlled property that is conducted by other education institutions, including but not limited to K-12 schools, such as science fairs
- Field trips supervised by a minor participant's school or organization
- Social functions that may be attended by minors accompanied by a parent or guardian

3.6 University Program(s)

Any program or activity the University operates or sponsors where the responsibility for Custody and Control of Minor participant(s) is assumed by the University operated or sponsored program or activity, whether on or off University-owned or -controlled property. Examples of University Programs include but are not limited to athletic camps, academic camps, lessons, workshops, competitions, and clinics.

Examples of University Programs that are not subject to this policy include but are not limited to:

- 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
- Orientation and campus tour/visitation programs
- A program or activity using University-owned or -controlled property that is conducted by other education institutions, including but not limited to K-12 schools, such as science fairs
- Field trips supervised by a minor participant's school or organization
- Social functions that may be attended by minors accompanied by a parent or guardian
- Student teaching practicums

4. Reporting Minor Abuse

4.1 When to Report Minor Abuse

- a. Under this policy and state law, all faculty, staff, students, contractors, subcontractors, and volunteers who suspect Minor Abuse are required to report it immediately. There is no need to investigate or ensure that evidence exists before reporting.
- b. Any doubt about reporting should be resolved in favor of making the report to ensure the appropriate law enforcement professionals and/or Child Protective Services can assess the report and evaluate the safety of the Minor.

4.2 Where to Report Minor Abuse

- a. Idaho law requires anyone who suspects Minor Abuse to report it immediately to either: (1) law enforcement; or (2) the Idaho Department of Health and Welfare. Both of these reporting options allow anonymous or confidential reporting.
- b. For University Programs, after reporting the incident to either law enforcement or the Idaho Department of Health and Welfare, the incident must also be promptly reported to the

Office of Institutional Compliance and Ethics. The specific steps for reporting suspected Minor Abuse are detailed below.

If a Minor may be in imminent harm, immediately dial 9-1-1 or activate a blue emergency phone located on campus. Otherwise:

Immediately report the incident to:

- The Boise State University Department of Public Safety at (208) 426-6911;
or
- The Child Protective Services at the Idaho Department of Health and Welfare at (208) 334-5437, or by using Idaho Department of Health and Welfare's Care Line by dialing 2-1-1.
then
- Report the information to the Office of Institutional Compliance and Ethics by emailing protectionofminors@boisestate.edu, or by calling (208) 426-1258.

5. Additional Reporting Requirements

Any person designated as a Mandatory Reporter or Responsible Employee under University Policies 1060 (Non-discrimination and Anti-harassment) or 1065 (Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking) and/or any person designated as a Campus Security Authority under University Policy 12000 (Clery Act Compliance), must also follow their reporting responsibilities under those policies.

6. Participation in University Programs

Faculty, staff, students, contractors, subcontractors, and volunteers who participate in University Programs must:

- Protect the well-being and safety of Minors with whom they interact on campus or elsewhere.
- Review and commit to the principles of Appendix A, the University Code of Conduct for Interacting with Minors, and Appendix B, Signs of Abuse and Neglect.

- Watch for signs of Minor Abuse (outlined in Appendix B) and promptly report suspected instances of Minor Abuse, or violations of this policy or law, as provided in Section 4.2 above.
- Meet the requirements of this policy related to: (1) Background Verifications (Section 7.3), and (2) Minor Abuse prevention training (Section 7.4) before engaging in any University Programs.
- Comply fully with investigations and on-site reviews of University Programs by the Office of Institutional Compliance and Ethics, which may be announced or unannounced.

7. Managing University Programs for Protection of Minors

7.1 University Program Registration

The University Program organizer, director, dean, or department chair must register all on-going or one-time University Programs with the Office of Institutional Compliance and Ethics. All University Programs must be registered at least fourteen (14) days before the event. The Office of Institutional Compliance and Ethics will keep a record of these University Programs.

7.2 Hiring

- a. All campus units regularly working with or around Minors must consider whether an applicant has the skills and desire to work with Minors, even if the proposed work with Minors is a small percentage of the posted position.
- b. Additional screening requirements include, but are not limited to, interview questions assessing transferrable skills for working with Minors.

7.3 Background Verifications

- a. A Background Verification must be completed for each person prior to that person's interaction or participation with Minors in University Programs. This includes but is not limited to:
 - Third party or non-University employees, and
 - University administrators, faculty, staff, students, and volunteers.
- b. All positions with duties requiring interaction or participation with Minors in University Programs are deemed sensitive positions as outlined in Appendix A to University Policy

7005 (Background Verifications). These positions require Background Verifications at the time of initial hire, promotion (other than advances in academic rank), demotion, lateral transfer, affiliation, volunteer service, and on a periodic basis not to exceed five (5) years thereafter (See University Policy 7005 Background Verifications for details).

- c. Individuals in positions deemed sensitive are required to self-disclose criminal proceedings that occur while the individual is involved with the University within three (3) University business days as outlined in University Policy 7520 (Self-Disclosure of Criminal Proceedings).

7.4 Mandatory Training on the Prevention, Recognition, and Reporting of Minor Abuse

- a. All persons who will interact with, or participate with Minors in University Programs, must complete a mandatory Minor Abuse prevention training that, at minimum, covers the concepts listed below. The training must be completed at least forty-eight (48) hours prior to the start date of the University Program or activity involving Minors. Individuals who continue to interact with or participate with Minors in University Programs are required to complete the training annually.
- b. At a minimum, training must include:
 - Basic warning signs of abuse or neglect of Minors.
 - Guidelines for protecting Minors from emotional and physical abuse and neglect.
 - Requirements and procedures for reporting incidents of suspected abuse, neglect, or improper conduct.
- c. Training may be expanded depending upon the details of the University Program and the trainee's role.

7.5 Code of Conduct for Interacting with Minors in University Programs

All faculty, staff, students, contractors, subcontractors, and volunteers who interact with Minors in University Programs must agree to abide by the Code of Conduct for Interacting with Minors as described in Appendix A.

8. Requirements for Non-University Programs Held on University Property

- a. Non-University Programs must conduct criminal history checks on their employees, volunteers, and representatives. These criminal history checks must be at least as stringent as those conducted by the University on individuals covered under University Policy 7005 (Background Verifications). In addition, Non-University Programs must ensure their employees, volunteers, and representatives complete Minor Abuse prevention training that meets or exceeds the minimum requirements as outlined in Section 7.4. The criminal history checks and Minor Abuse prevention training requirements must be completed at least forty-eight (48) hours prior to the start of the Non-University Program.
- b. The University may request any additional information it deems necessary to meet the requirements of this policy.
- c. Non-University Programs must submit a certification of compliance with the Background Verification and training requirements described in this policy. The University may request documentation necessary to verify this certification for up to one year following the last day of the event. If a Non-University Program fails to provide any requested documentation necessary to verify compliance with this policy, that program may be canceled or not allowed to use University property and facilities for future events.
- d. Non-University Programs must have standards of conduct designed to prevent the Abuse of Minors. These standards of conduct must be available to the University upon request.
- e. Any University department, entity, or community member that contracts with a Non-University Program to operate a Non-University Program on University property must register the Non-University Program with the Office of Institutional Compliance and Ethics at least fourteen (14) days prior to the start of the Non-University Program. Non-University Programs can be registered at: <https://www.boisestate.edu/compliance/register-a-program-activity-involving-minors/>

9. Oversight and Responsibilities

- a. The Office of Institutional Compliance and Ethics is responsible for:
 - Ensuring University Program information and written agreements comply with this policy and best practices in the prevention of Minor Abuse,
 - Coordinating the completion of Background Verifications for University Programs by Human Resources,

- Ensuring the completion of Minor Abuse prevention training for University Programs, and
 - Overseeing the registration of Non-University Programs, which may be audited for compliance with this policy.
- b. University Program organizers, or designees, are responsible for ensuring their University Program(s) adheres to the procedures and timelines described in Appendix C, Required Procedures for University Programs.

10. Enforcement

Sanctions for violations of this policy may include the full range of available University sanctions applicable to the individual including suspension, expulsion, dismissal, termination, and exclusion from campus. The University may also take necessary interim actions before determining whether a violation has occurred. The University may terminate relationships or take other appropriate actions against Non-University Programs that violate this policy. Any violations of law will be reported to the proper authorities.

11. Policy Implementation and Modification

Questions about the interpretation or application of this policy should be raised with the Office of Institutional Compliance and Ethics. The Office of Institutional Compliance and Ethics will update or modify the Appendices to this policy as necessary and administer and oversee the implementation of the policy in a manner that best achieves the policy's goals.

12. Related Information

12.1 Appendix A: Code of Conduct for Interacting with Minors in University Programs

All faculty, staff, students, contractors, subcontractors, and volunteers who interact with Minors in University Programs are required to comply with the following code of conduct when interacting with Minors.

- a. Do not spend time alone, either on or off campus, with a Minor away from others.
- If one-on-one interaction is required, meet in open, well-lit rooms or spaces with windows observable by other adults from the University Program.
 - It is expected that activities where Minors are present will involve two or more University Program staff members.

- When it is not possible to comply with the above, parents/guardians of Minors must sign a specific waiver acknowledging they understand their Minor is engaged in a University Program requiring a one-on-one interaction (Minor to Adult), such as a private lesson or medical exam.
- b. Do not engage in any sexualized behavior with, or within the vicinity of, Minors, including but not limited to: engaging in sexual actions, making sexual comments, telling sexual jokes, or sharing or viewing sexually explicit material with or within the vicinity of Minors, except as necessary for University Program relevant academic content or providing competent medical services.
- c. Do not touch Minors in a manner that a reasonable person could interpret as inappropriate, including but not limited to:
- Contact with a Minor's breasts, buttocks, groin, or genitals, or touching a Minor with any of these body parts;
 - Making a Minor touch themselves or another person with or on the breasts, buttocks, groin, or genitals;
 - Other bodily contact in a sexual manner, though not involving contact with breasts, buttocks, groin, genitals, or mouth, for example back or shoulder massages.
 - Bodily contact required to provide competent medical services is explicitly exempted from this section.
- d. Do not shower, bathe, or undress with or in the presence of a Minor.
- e. Do not engage in any abusive conduct of any kind toward, or in the presence of a Minor, including, but not limited to: verbal abuse, hitting, punching, poking, or inappropriate restraining, except as required to protect a Minor or others from harm. All incidents involving such conduct, whether or not required to protect a Minor or others from harm, must be documented and disclosed promptly to the University Program Director and the Minor's parent/guardian.
- f. Be aware of the impact of words and language upon Minors.
- g. Do not use, possess, share, or be under the influence of alcohol or illegal drugs while on duty or when responsible for a Minor's welfare. The misuse of prescription medications shall

be determined to be a violation. Refer to the University Policy 7020 (Drug and Alcohol Free Workplace Policy) for additional information

- h. Do not possess, wear, carry, transport, or use a weapon as defined by University Policy 12080 (Possession of Firearms/Weapons on University-Owned or –Controlled Premises), while on duty or responsible for a Minor’s welfare, or while on University-owned or -controlled premises.
- i. Do not distribute any medication or dietary supplement to a Minor without prior written approval of the Minor’s parent/guardian, except in case of emergency.
- j. Do not meet with Minors outside of established times for University Program activities. Any exceptions require prior written parental authorization and must include more than one adult from the University Program.
- k. Do not engage or converse with Minors through phone calls, email, text messages, social networking websites, or other forms of social media at any time except and unless there is an educational or programmatic purpose and the content of the communications is consistent with the mission of the University Program and the University.
- l. When transporting Minors in a University Program, more than one adult from the University Program must be present in the vehicle, except when multiple Minors will be in the vehicle at all times through the transportation. Avoid using personal vehicles whenever possible. When it is not possible to comply with this guideline, parents/guardians of Minors must sign a specific waiver acknowledging that they understand their Minor is engaged in a University Program that requires one-on-one interaction (Minor to Adult).
- m. Do not tell Minors “this is just between the two of us” or use similar language that encourages Minors to keep secrets from their parent/guardians.

12.2 Appendix B: Signs of Minor Abuse and Neglect

There are often certain recognizable physical and behavioral indicators of Minor Abuse or neglect. The following signs, by themselves, may not be conclusive evidence of a problem, but serve as indicators of the possibility that a problem exists.

12.2.1 Signs of Physical Abuse

- Bruising, welts, or burns that cannot be sufficiently explained, particularly bruises on the face, lips, and mouth of infants or on several surface planes at the same time;

- Withdrawn, fearful, or extreme behavior;
- Clusters of bruises, welts, or burns indicating repeated contact with a hand or instrument;
- Burns that are insufficiently explained (for example, cigarette burns); and
- Injuries on children where children are not usually injured (e.g., the torso, back, neck, buttocks, or thighs).

12.2.2 Signs of Sexual Abuse

- Difficulty walking or sitting;
- Pain or itching in the genital area;
- Torn, stained, or bloody underclothing;
- Frequent complaints of stomachaches or headaches;
- Sexually transmitted infection;
- Bruises or bleeding in external genitalia;
- Feeling threatened by physical contact;
- Inappropriate sex play or premature understanding of sex;
- Frequent urinary or yeast infections; and
- Direct statements from the Minor stating they were sexually abused.

12.2.3 Signs of Emotional Injury

- Speech disorders;
- Inability to play as most children do;
- Sleeping problems;
- Anti-social behavior or behavioral extremes;
- Delays in emotional and intellectual growth;

- Sudden loss of self-confidence or self-esteem;
- Avoidance of certain situations/activities; and
- Desperately seeking affection.

12.2.4 Signs of Neglect

- Lack of medical or dental care;
- Chronically dirty or unbathed;
- Lack of adequate school attendance;
- Lack of supervision (for example, young children left unattended or with other children too young to protect or care for them);
- Lack of proper nutrition;
- Lack of adequate shelter;
- Self-destructive feelings or behavior;
- Alcohol or drug abuse;
- Taking food or money without permission;
- Eating a lot at one sitting; and
- Hiding food for later.

Each case of Minor Abuse or neglect may be different. The child who has been hurt is always the victim. If you believe a child may be the victim of abuse or neglect, follow the reporting procedures outlined in Section 4.2.

12.3 Appendix C: Required Procedures for University Programs

University Program organizers, or designees, are responsible for ensuring their University Program(s) adhere to the procedures and associated timelines described below for each distinct University Program under the organizer or designee's responsibility.

12.3.1 University Program Registration

At least fourteen (14) days prior to the start of the University Program, register the University Program with the Office of Institutional Compliance and Ethics by completing the following form:

<https://www.boisestate.edu/compliance/register-a-program-activity-involving-minors/>

12.3.2 Background Verifications

All individuals who will be participating or interacting with Minors in University Programs must successfully complete a Background Verification before they can participate in the University Program. To initiate the Background Verification process, contact Human Resource Services by emailing employment@boisestate.edu. Background Verifications typically take between seven (7) and ten (10) business days to complete.

12.3.3 Minor Abuse Prevention Training

At least forty-eight (48) hours prior to the start of the University Program, all individuals participating or interacting with Minors in University Programs must complete Minor Abuse prevention training. There are two ways to fulfill this requirement:

1. Complete the online training course found at:
<https://docs.google.com/forms/d/e/1FAIpQLSea82TBSfDb1ARbjsolwRSxGV9m6mYsPZQIMDP6XpuoQ9sjkg/viewform>

OR

2. Request an in-person training by emailing: protectionofminors@boisestate.edu

12.3.4 University Program Employee/Volunteer Roster Documentation

Provide a roster listing every individual who will be working or volunteering for the University Program to the Minors on Campus Program Coordinator. The Minors on Campus Program Coordinator may be contacted by email at: protectionofminors@boisestate.edu or by phone at (208) 426-1258. The roster should be provided with sufficient advance notice to allow a reasonable amount of time for the Minors on Campus Program Coordinator to ensure each worker and volunteer has completed the requirements of this policy prior to the start of the University Program.

Revision History

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