

Who Is Minding the Minors?

Higher education institutions need to implement guidelines to protect children and staff.

By Omar Andujar and T. J. Logan

College and university campuses have long been more than just places reserved for students or academic endeavors. These spaces are intentionally designed to engage the broader community and often to serve the public good whether it be an athletic event, a community meeting, or a visit to the recreation center. Over the past decade, the topic of minors on campus, and the associated risks and liabilities, has been of particular interest. Recent and highly publicized cases of child abuse in educational settings have left institutions asking what steps can be taken to enhance campus security for visiting minors. To address this challenge, an increasing number of institutions have introduced, or are in the process of developing, new or revamped policies for minors on campus. These policies commonly outline universal interventions designed to protect minors involved in college- or university-sponsored activities, such as camps or conferences. However, as institutions gain a better understanding of the various ways that minors are involved in campus activities, there appears to be an emerging interest in developing more targeted interventions.

One growing area of interest is the effective management of risks associated with having minors in residence halls, since these are the areas most routinely visited by minors. One approach is to implement broad policies that are inclusive of housing staff. Federation University Australia in Victoria has implemented a comprehensive campus-wide policy that requires specialized training and background checks for staff working with minors, a sweeping effort which ensures that housing staff are thinking about best practices. Similarly, the University of Florida in Gainesville has implemented campus-wide efforts that call for regular screening of those working with minors, completion of an annual youth protection training, and central registration of university sponsored youth activities and those involved in such activities.

Even when broad institutional policies are in place, specific policies and practices can be created that are focused on housing activities. Recently, Georgetown University in Washington, D.C., decided to broaden its youth protection efforts by implementing a guest policy for minors visiting campus housing. "We asked ourselves, how can we have a comprehensive protection of minors policy and not pay attention to our residence halls?" says Anne Koester, senior compliance specialist and protection of minors policy manager. While the primary role of housing and residence life staff may never be to act as youth compliance experts, there are some tenets for protecting minors that all staff should be aware of.

Housing professionals must understand the laws and policies that are relevant to their involvement with minors, whether these are enrolled students, children living in family and graduate housing, or guests of students. Special attention should be paid to how state, federal, and national laws define who is considered a minor, what constitutes child abuse, and who mandated reporters are. This is a reasonable starting point when determining whether there are any specific legal obligations for your institution or employees. State laws can vary widely and might contain a range of institutional and individual liability. According to an article in *The Huffington Post*, in 2012 Florida enacted what at least one Florida Representative (Chris Dorworth) refers to as the "most comprehensive child abuse reporting law in the nation." The new provisions impose substantial financial and criminal consequences for institutions and individuals that deliberately fail to report known or suspected child abuse. Under the new law, everyone is a mandated reporter, higher education institutions are subject to a \$1 million fine for each violation, and individuals who fail to report can be charged with a third-degree felony.

Pennsylvania also recently revised its child protective services laws in an effort to strengthen background clearance requirements for employees, volunteers, or contractors in schools (including colleges and universities). Under the newly amended law (Act 153), which took effect on December 31, 2014, all individuals having “contact with children” must be screened and cleared to work with minors every three years. According to an article in *Inside Higher Ed*, many of the adjustments to the state law are being made in an effort to address places where staff have routine interaction with minors as part of their job responsibilities. Similar initiatives have been implemented around the world. Laws in Victoria, Australia, also require that individuals in “child-related work” (those in direct contact with children as a part of their duties) hold a Working with Children (WWC) Check. The WWC check is similar to a national criminal background check, but it also examines a list of specific offenses to determine whether candidates pose a risk to the safety of children. While the term “direct contact with children” creates some room for interpretation, an argument could be made that this should always include housing staff. In the U.S., the Child Welfare Information Gateway has published a summary of U.S. laws on mandatory reporters of child abuse, as well as other child protection laws.

Education is widely believed to be the most effective effort in preventing an instance of child abuse. Along with becoming familiar with relevant laws and legal issues, frontline housing professionals and those working in settings frequently visited by minors would benefit from training on youth protection. This is precisely what the University of Florida’s Housing and Residence Education Department offered in 2013. Employees were trained on risk reduction strategies, common warning signs of child abuse, applicable laws, and reporting procedures. Gannon University in Erie, Pennsylvania, has taken a comparable approach by offering mandated reporter training to staff working with minors, including students under the age of 18. According to Sue Majocka, student conduct officer, resident directors receive training on the roles and responsibilities of mandated reporters, signs and indicators of sexual abuse, and community resources available to victims of abuse.

Some institutions have gone beyond professional staff to consider how student leaders might engage with minors. At Kent State University in Ohio, the executive board members of the Residence Hall Association will complete background checks and mandatory compliance training. This effort is in place primarily because of a longstanding program where residents are encouraged to invite their younger siblings to join them on campus for a weekend. “Our general expectation is that anyone bringing a little sib is responsible for that minor,” says Allison Smith, senior fiscal manager for the Department of Residence Services. At Georgetown, security guards received training on the newly implemented Minor Guest Policy and Procedures, and the Office of Compliance and Ethics partnered with Student Living to incorporate the policy as part of the training requirements for housing employees. These types of early and ongoing training opportunities help heighten awareness of the individual’s legal obligations, minimize the risk of child abuse, and may even deter potential abusers from seeking employment at an institution.

The goal of establishing behavioral standards is to clearly delineate what is considered acceptable and not acceptable as it relates to interactions with minors. These standards are generally spelled out in specific rules and conduct requirements including, but not limited to, those pertaining to bullying, hazing, communication, appropriate contact, privacy, and the use of illegal drugs or alcohol. Additional considerations may need to be taken into account for overnight camps. For instance, it may be necessary to establish standards that would require separate accommodations for adults and youth participants, as well as separate restroom facilities for each gender.

Clear standards for supervision standards will help promote effective oversight of minors in residence halls and other campus environments. One common standard is to institute specific staff-to-participant ratios that must be adhered to by college- or university-sponsored youth activities. Several factors should be considered when establishing supervisory ratios, including risks of the activities, the age and number of participants, location of activities, and the experience of staff and volunteers. Among other available resources, supervisory ratios published by the American Camp Association (ACA) may help set a baseline. Another widely accepted practice includes limiting the opportunities for one-on-one interactions.

The Boy Scouts of America (BSA) and other youth-serving organizations have adopted rules that limit one-on-one interactions, including online interactions, and promote the presence of more than one adult observer during all interactions with minors.

Campus guest policies should also establish minimum age requirements for those who are allowed to stay on campus. At Georgetown, guests under the age of 16 are not permitted in campus residence halls, unless accompanied by a parent or guardian. Other common practices include requiring advance consent and releases from parents or legal guardians, limiting the number of consecutive nights a minor is allowed to stay

on campus, establishing adequate sign-in and sign-out procedures, and mandating that minors be escorted by the approved student host at all times.

Because there are so many entry points that make it easy for minors to come onto a campus, tracking them is difficult. Among other institutions, the University of Florida, Texas A & M University in College Station, and Duke University in Durham, North Carolina, have all implemented comprehensive tracking systems and have required university youth activities to centrally register prior to commencing activities.

Some of the data elements commonly tracked include general program information, schedules, locations, staff and participant rosters, and verification that program prerequisites were completed. The focal point of these systems is to link each program session to the staff and minors involved in those activities and to validate compliance with formal requirements. One problem, though, is that tracking at the institutional level may not include the place where some minors interact most: the residence halls. Housing professionals should make sure that they have a strong guest policy that serves both the tracking and monitoring function. Georgetown implemented a web-based Minor Guest Permission Form that is used to track guests under the age of 18. The form collects a release/hold harmless statement and written permission from parents or legal guardians, emergency contact information, the student host's name, university ID, and location, as well as the minor's name, age, and gender. Guest minors who come to campus without documented authorization are directed to the university police department for further action. According to Koester, a review conducted three months after implementation of this policy revealed that approximately 250 minors registered to stay on campus. St. Joseph's University in Philadelphia, Pennsylvania, has implemented a guest housing policy with some unique provisions for minors. In addition to requiring permission from parents in advance, they also require sign off on the form by residence life staff at least 48 hours prior to the visit for any minor. Not only does this process encourage personal responsibility for residents and guests, but there are tremendous advantages for the staff. "By having the residence life staff sign off, it really helps us to know who is in our buildings at any given time," says John Jeffery, the assistant vice president for campus life.

The expression "sending the kids off to college" has traditionally been used by families when describing their children's transition from high school to college. In recent years, this term has taken on a different context and is often used to refer to the presence of minors on campus and in residence halls. The role of housing professionals in youth protection has not been clearly defined in past years; however, it has become apparent that housing professionals play a fundamental role in fostering an atmosphere that better shields children and youth from potential harm. □

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Points of reference and more to support the development of your campus's policy for housing minors:

- Joey Francilus, "'Protection Of Vulnerable Persons Act' Criminalizes Failure To Report Child Abuse In Florida," *The Huffington Post* (October 1, 2012).
- Kaitlin Mulhere, "Campus Clearance," *Inside Higher Ed* (December 18, 2014).
- Pennsylvania General Assembly, Act 153 (www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2014&sessInd=0&act=153).
- State Government of Victoria, Working with Children Check (www.workingwithchildren.vic.gov.au/).
- U.S. Department of Health and Human Services, Child Welfare Information Gateway (www.childwelfare.gov/).