

LINCOLN UNIVERSITY

Policy: Protecting Minors on Campus
Policy Number: HRM – 128
Effective Date: April 2022
Revisions: New Policy
Next Review Date: August 2023
Review Officer(s): Vice President of Human Resources and Title IX Coordinator
Status: Approved by the President and Board of Trustees

Lincoln University, as part of its educational mission, may engage in programs and events that involve minors. The University recognizes both its institutional and legal obligations to ensure the safety and well-being of minors on campus and has therefore implemented the Protecting Minors on Campus Policy, effective April 2022.

1. SCOPE

- 1.1. This policy describes the background check requirements applicable to University faculty, staff, students, contractors, alumni volunteers and other volunteers who have direct contact with children. Employees, students, contractors and volunteers of Lincoln University are covered by this policy.
- 1.2. All University faculty, staff, students, contractors, alumni and other volunteers having direct contact with children (hereinafter, “Covered Individuals”) in connection with University activities are required to undergo a three-part background check consistent with Pennsylvania law. The check shall be in addition to any standard background check applicable to an employee at the time of hire.
- 1.3. As a general matter, this policy does not apply to University activities that are open to the general public and may be attended by minors where parents or guardians are expected to or required to attend with their children.

2. DEFINITIONS

- 2.1. Consistent with Pennsylvania law, “direct contact with children” is defined as “care, supervision, guidance, or control of children or routine interaction with children.” “Children” comprises “individuals” under the age of 18, except it does not include individuals under the age of 18 who have matriculated at Lincoln University.
- 2.2. Under this policy, Covered Individuals, include the following persons, by way of example only:

Page 1 of 11

Lincoln University reserves the right to amend or revoke its policies at any time. The policies found on this Web site are not conditions of employment and do not create a contract between the University and its employees.

2.2.1 **“Authorized Program Staff”** are persons working or volunteering in connection with any program, activity, or service offered to children under the age of 18 who are not matriculated Lincoln students (e.g., programs offered to high school, middle school, and/or elementary school students), admissions pre-enrollment visits, including summer programs, sports or athletic camps or programs, clinics, lab and other training opportunities, community or social outreach programs, and non-degree and non-credit educational programs by or on behalf of the University and/or on University Property; and

2.2.2 **“Authorized Supervisor”** are persons supervising or regularly working with any trainee, intern, or observer of any University activity who is under the age of 18 and is not a matriculated Lincoln student.

2.2.3 **“Authorized Adults”** are persons age 18 or older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee minors in program activities, recreational, and/or residential facilities. This includes but is not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, and independent contractors/consultants. The Authorized Adults’ roles may include positions as counselors, chaperones, coaches, instructors, etc. Authorized Adults are considered to be mandated reporters as defined by Pennsylvania law.

2.3.4 **“Authorized Program Administrator”** is a University employee who has administrative oversight for the Lincoln University-sponsored program, activity or service involving Minors, and is responsible for ensuring that safety measures have been met throughout the duration of the program, activity, or service. The Authorized Program Administrator must also complete the required background screening.

2.3.5 **“University Property”** refers to facilities and grounds owned by, or under the control of, the University.

3. ELEMENTS OF BACKGROUND CHECKS

3.1. Covered Individuals must undergo a three-part background check consisting of the following:

3.1.1. A report of criminal history record information from the Pennsylvania State Police (PSP);

3.1.2. A child abuse history clearance certification from the Pennsylvania Department of Human Services (DHS); and

3.1.3. A report of federal criminal history record information, generated by fingerprints transmitted to the Federal Bureau of Investigation (FBI).

3.2. The first and second searches shall be obtained through the University's approved vendor. With respect to faculty or staff members, the Office of Human Resources (including Human Resources staff) must initiate the criminal history record search and the child abuse history clearance certification. Lincoln students covered by this policy by virtue of educational programming shall be the subject of background checks initiated by the school or unit conducting the educational program. The fingerprint-based FBI report shall be obtained by the prospective faculty, staff, student, contractor, alumnus/na or other volunteer through the submission of a fingerprint record to the Pennsylvania State Police (PSP) or its authorized agent which will then forward the record to the FBI.

4. PORTABILITY OF CERTIFICATION

4.1. The University will obtain a PSP criminal history record and DHS clearance for all Covered Individuals, except volunteers.

4.2. Alumni and all other volunteers must obtain the required background check reports and certifications on their own and submit same to the University prior to the approval to commence service in a University activity. The University shall not require the federal criminal history record only as provided by the specific exceptions under the law for alumni and other volunteers, independent contractors and authorized outside program representatives:

4.2.1. The volunteer has been a resident of Pennsylvania during the entirety of the previous 10-year period or, if not a resident of Pennsylvania during the entirety of the previous 10-year period, has received certification with regard to the federal criminal history record required under 23 Pa. C.S. § 6344(b)(3) at any time since establishing residency in Pennsylvania and provides a copy of said certification.

4.2.2. The volunteer swears or affirms in writing that he/she is not disqualified from service pursuant to 23 Pa. C.S. § 6344(c) or has not been convicted of an offense similar in nature to those crimes listed in section 6344(c) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former Pennsylvania law.

4.3. For Independent Contractors and Authorized Outside Program Representatives:

- 4.3.1. Independent Contractors and authorized outside program representatives must provide assurance that they have, at a minimum, complied with background checks as required by law and under this policy.

5. TIMING OF CHECKS

- 5.1. Covered Individuals shall be subject to the three-part background check prior to the commencement of working with minors, and thereafter every five (5) years.
- 5.2. Temporary or occasional workers previously subject to clearance conducted by the University within the past 5 years may be exempted upon execution of an affidavit in accordance with law. Such individuals must be the subject of a new three-part background check upon the expiration of the original.
- 5.3. Covered Individuals may be required to submit to additional checks at any time based on a reasonable belief that the person is disqualified from service on grounds of a conviction or report of child abuse.

6. DISQUALIFICATIONS

- 6.1. Refusal to cooperate with the background check process shall disqualify a Covered Individual from any position having direct contact with children. A staff member who refuses to cooperate with the background check process may be ineligible for employment (for new hires) or subject to discipline (for current employees), up to and including termination from employment.
- 6.2. A person may not work or volunteer in any capacity having direct contact with children if:
 - 6.2.1. Such person's background check reveals that he or she is the perpetrator of a founded report of child abuse committed within the past five years;
 - 6.2.2. Such person's criminal history record(s) reveals a conviction for any of the crimes or classes of crimes enumerated in 23 Pa. C.S. § 6344(c), including similar crimes under federal law or the law of another state: criminal homicide, aggravated assault, stalking, kidnapping, unlawful restraint, rape, statutory sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, indecent assault, indecent exposure, incest, concealing death of child, endangering welfare of children, dealing in infant children, prostitution and related offenses, obscene and other sexual materials and

performances, corruption of minors, sexual abuse of children, or the attempt, solicitation, or conspiracy to commit any of the foregoing offenses; or

6.2.3. Such person's criminal history record information indicates the individual has been convicted of a felony offense under The Controlled Substance, Drug, Device and Cosmetic Act, committed within the past five years.

6.3. Questions regarding the potential disqualification should be referred to the Office of Human Resources. The Office of Human Resources reserves the right to consult with external legal counsel.

7. IMPLEMENTATION

7.1. Each academic and administrative department and unit within the University must designate a representative responsible for determining which programs, activities, services, and persons are within the scope of this policy and notify the Office of Risk Management of same at least 60 days prior to the event in order to begin the process of complying with this policy.

7.2. Each academic and administrative department and unit within the University must designate a representative responsible for determining which programs, activities, services, and persons are within the scope of this policy and ensuring compliance with background check requirements. The department/unit representative is responsible for contacting the Office of Human Resources to coordinate the completion of required background checks. The department/unit representative is responsible for ensuring that the covered individual completes the appropriate clearances; however, the Office of Human Resources shall collect and receive all information related to the background checks required for the Covered Individuals. The department/unit representative is responsible for consulting with the Office of Human Resources regarding the background check results consistent with University procedure, taking into consideration the DISQUALIFICATION section of this policy.

7.3. The Office of Human Resources is responsible for reviewing and making a determination as to the approval or disapproval of the background checks, in compliance with Pennsylvania law and the Fair Credit Reporting Act. The Office of Human Resources is responsible for retaining all background check reports consistent with the REPORTING SUSPECTED CHILD ABUSE section of this policy. In addition, the Division of Human Resources, Recruitment Services, is responsible for notifying the department/unit representative that the three-part background check was completed and date of completion.

7.4. The Office of Human Resources will maintain a central record of completed background check information to determine if a particular employee, alumnus/na or other volunteer has previously been subject to the three-part background check within the University, as well as the date of the background check.

7.5. The background check information provided and compiled must be kept confidential as provided by law.

8. REQUIRED REPORT FROM COVERED INDIVIDUALS

8.1. Any Covered Individual arrested or convicted for any offense listed in the DISQUALIFICATION section, or any offense substantially similar to the listed offenses, or named as a perpetrator in a founded report of child abuse, must provide written notice of the arrest, conviction, or report to his or her designated department or unit representative and the Office of Human Resources, Employee and Labor Relations, within 72 hours after the arrest, conviction, or notification of the report. This includes Authorized Program Staff. The University reserves the right to take appropriate action where a Covered Individual fails to report as described in this Subsection or falsifies such information.

9. RECORD RETENTION REQUIREMENTS

9.1. Background screenings remain valid for five years and then must be renewed. All background check records obtained and maintained under this policy shall be retained for no less than the duration of the employment or service of the individual employee or volunteer, plus seven years.

10. GUIDELINES FOR APPROPRIATE BEHAVIOR WITH MINORS

10.1. As someone representing Lincoln University, it is our duty to prevent harm towards minors, including those attending summer camps and matriculated students, in our care. The following are behavior guidelines while working with minors in a short-term capacity. The purpose of these guidelines is to provide a safe environment for both the employee/volunteer and minors, and to raise awareness of how to manage risk when minors are present in the program. "Short-term interactions" amounts to less than one day, total, of activities. "Minors" includes any youth under the age of 18 years old. Note that for purposes of this Section 10, "Staff" includes both employees of Lincoln University and volunteers. "Designated staff member" refers to an employee, alumnus/na or other volunteer who has responsibility for the supervision of minors during a program or event. "Parent" is considered both parents and legal guardians. This policy should be provided to all new staff upon becoming first involved in a program serving minors, and reviewed with returning staff on an annual basis.

Page 6 of 11

Lincoln University reserves the right to amend or revoke its policies at any time. The policies found on this Web site are not conditions of employment and do not create a contract between the University and its employees.

These guidelines emphasize the responsibility that staff, parents, and minors each have in ensuring a safe and successful program.

10.2. BEST PRACTICES FOR SAFELY WORKING WITH MINORS

- 10.2.1. Avoid being alone with a single minor where you cannot be observed by staff or other adults. Unless you are a designated staff member, you should not be alone with a group of minors under any circumstance.
- 10.2.2. Do not discipline minors by use of physical punishment or by failing to provide the necessities of care.
- 10.2.3. Physical, verbal, emotional, or sexual abuse of minors is unlawful and is prohibited by state law and Lincoln University policy.
- 10.2.4. Avoid physical contact with minors, unless you must restrain or otherwise have contact for safety related reasons.
- 10.2.5. Do not have contact with minors outside of the program environment.
- 10.2.6. Understand and respect the boundaries set by minors regarding physical touch or sharing personal information.
- 10.2.7. In sensitive situations and in case of injury, involve another staff member, adult, or parent.
- 10.2.8. Allow minors to opt out of distribution of contact information (except to designated staff as needed).
- 10.2.9. Minors are not allowed on program premises without a designated faculty or staff member present.
- 10.2.10. No Internet social networking with minors for *personal* reasons or through personal profiles is allowed by faculty and staff. Networking through approved program sites/profiles may be used when the contact is related to programming.
- 10.2.11. Understand the program emergency plan for responding to a crisis situation.
- 10.2.12. Communicate to your program lead all situations that may be questionable or a possible breach of these guidelines.

- 10.2.13. If you believe someone has perpetrated abuse or neglect, immediately and confidentially report such violation to Child Protective Services or the police, and follow University guidelines for internal reporting, as applicable.

10.3. EDUCATING MINORS

- 10.3.1. Minors may be informed in a manner that is age appropriate of their right to set their own physical limits for personal safety. They will be encouraged to tell an adult if someone is abusing them. They will also be encouraged to tell an adult if they are in a situation or observe something that makes them uncomfortable.

11. CONSEQUENCES OF BEHAVIORS THAT HARM MINORS

- 11.1. The University strictly prohibits unlawful sexual activity involving minors in connection with any of its programs. Minors are unable to consent to any sexual activity with an adult; therefore, there is no such thing as consensual sexual activity between a minor and an adult member of the University community. The University prohibits not only unlawful bodily contact with a minor, if engaged in for purposes of sexual gratification or arousal, but also any unlawful non-contact sexual activity (e.g., voyeurism, exposure to pornography, “sexting”, etc.). Any reports or complaints of unlawful sexual activity involving minors will be reported to appropriate law enforcement and social services agencies.
- 11.2. Lincoln University takes these matters very seriously. In the case of suspected abuse or neglect of a minor, the University will adhere to existing policies and procedures for corrective action. Actions taken will first and foremost consider the need to ensure the safety of minors participating in the program.

12. SUSPECTED CHILD ABUSE AND MANDATORY REPORTING

- 12.1. The University recognizes both its institutional and legal obligations to ensure the safety and wellbeing of minor children that are on campus, in University facilities, participating in University-sponsored events, or involved with University affiliated individuals.

A mandated reporter, which includes all University faculty and staff, students, contractors, alumni and other volunteers subject to this policy, shall make a report of suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

- The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through any regularly scheduled program, activity or service.
- The mandated reporter is directly responsible for the care, supervision, guidance or training of the child or is affiliated with an institution that is directly responsible for the care, supervision, guidance or training of the child.

A mandated reporter shall also make a report of suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse under any of these circumstances, regardless that these circumstances fall outside of their work or volunteer role:

- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- Any individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

12.2. MANDATORY REPORTING REQUIREMENTS

Pursuant to the Pennsylvania Child Abuse Reporting Statutes, all Lincoln University employees are expected to make the report of suspected child abuse immediately to the Lincoln University Department of Public Safety for all instances that relate to Lincoln University authorized activities. The Department of Public Safety has a duty to make a report to the Pennsylvania Department of Human Services or a law enforcement agency when there is reasonable cause to believe any child with whom the employee comes in contact has suffered abuse or that any person with whom the employee comes in contact has abused a child. For purposes of this reporting responsibility, "abuse" includes, but is not limited to:

- assault of a child;
- physical injury to a child caused by other than accidental means;
- any mental injury to a child caused by cruelty to a child;
- rape of a child;
- sexual abuse;

- sexual exploitation;
- negligent treatment or maltreatment of a child;
- threatened harm to a child;
- buying or selling of a child;
- allowing a child on the premises where methamphetamine is being manufactured; and
- unlawful exposure to a controlled substance that subjects a child to risk of harm.

The duty of University employees to report incidents of child abuse applies at all times, not just to those incidents occurring during working hours or on campus. For this purpose, University employees include all faculty and staff, student employees including graduate employees, and temporary employees.

Under the law, reports must be made to the local office of the Department of Human Services or to a law enforcement agency in the county where the reporting employee identifies child abuse. Failure to report when required to do so is a violation of law. Persons who make reports in good faith are immune from liability for making the report. For instances that relate to Lincoln-authorized activities, Lincoln University employees are expected to make the report immediately to the University's Department of Public Safety (484-365-8139).

13.REPORTING SUSPECTED CHILD ABUSE

- 13.1. The obligation to report the suspected abuse of a minor extends to the following persons: any member of the faculty or any University staff member in a leadership or supervisory position or who has significant responsibility for the welfare, guidance or advising of children, students, or staff, including the President, Provost, Vice Presidents, Associate Vice Presidents, Deans, Associate Deans, Assistant Deans and Academic Advisors, as well as appropriate staff in the following offices: Upward Bound, Residence Life, Department of Public Safety, Office of Academic Affairs, Office of Human Resources, Office of Institutional Equity, The School of Adult and Continuing Education (SACE), Department of Athletics and Recreational Services, and other academic or experiential support service areas within the Division of Student Success.

- 13.2. Any person with a reporting obligation who suspects a minor child (as defined above) participating in any University program is the victim of abuse or neglect (irrespective of whether such abuse is on campus, at home, or elsewhere) must report such abuse or neglect as follows:
- 13.2.1. A reporter making an oral and/or written report of suspected child abuse or neglect must immediately notify the Department of Public Safety at 484-365-8139 or x-7799.
- 13.2.2. An oral report of suspected child abuse or neglect must be made to the Department of Human Services at 800-932-0313 ("ChildLine"). This number is available 24 hours per day, seven days per week. Further information about child-abuse reporting is available online:
- <http://www.dhs.pa.gov/provider/childwelfareservices/childlineandabuseregistry/index.htm>;
<http://www.phila.gov/dhs/reportNeglect.html>
- 13.2.3. A reporter making an oral report shall also make a written report to the department or county agency assigned the case, in the manner and format prescribed by the department. Assistance in making this report shall be provided to the reporter by the Department of Public Safety.
- 13.3. In addition, all members of the University community are encouraged to report a concern pertaining to abuse to the Department of Public Safety.
- 13.4. Failure to make a required report may result in the imposition of criminal penalties, fines, and employee discipline, up to and including employment termination.

Questions

Lincoln University's Office of Human Resources is available to help with any questions. The Office of Human Resources is available Monday through Friday, during business hours, to answer questions. The number to call is 484-365-8059. The e-mail address is luhr@lincoln.edu.