

## **Azusa Pacific University Policy on Programs Involving Minors**

### **Azusa Conservatory - Spring 2021: March 11th - May 22nd, 2021**

Azusa Pacific University is committed to the safety and protection of minors. The purpose of this policy is to provide the appropriate supervision of minors who are involved in University-sponsored programs, including programs physically taking place at the University as well as those being conducted virtually. This policy applies to all faculty, staff, volunteers and students representing the University who interact with minors in a direct and/or unsupervised capacity. It also applies to independent contractors, employees and volunteers from external groups that interact with minors in a direct and/or unsupervised capacity in University facilities or on University premises.

All those who work with minors must be particularly aware that they are responsible for maintaining appropriate physical, emotional, and sexual boundaries. Sexual behaviors, including seductive speech, gestures, photographs/pictures of a sexual nature or physical contact that exploits, abuses, or harasses, are improper, unlawful, and must be avoided at all times.

This policy addresses appropriate supervision, conduct and reporting requirements for all who interact with minors during the Spring 2021 Azusa Conservatory Semester.

#### **Definitions -**

1. **Minors:** For purposes of this policy, a “minor” is defined as a person under the age of eighteen (18).
2. **University Facilities:** Although we typically think of Facilities as physical spaces owned by or under the control of, the University, for the purposes of the Azusa Conservatory “Facilities” includes all of the Zoom video conferencing rooms, breakouts, and various communication channels through which these courses will operate.
3. **Program:** The Azusa Conservatory, and all University-hosted and/or led communications and engagement channels, all of the faculty, staff, volunteers, and students for this semester, together with all activities and content development that occurs in connection with the semester comprise the Program.
4. **Sponsoring Unit:** The Sponsoring Unit for this semester is [Azusa Conservatory of Music, an organization within APU’s College of the Arts, under the direction of Alexander Koops, DMA, Director of Undergraduate Music Education].
5. **Authorized Adult:** Individuals, age 18 and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee minors participating in the Azusa Conservatory at University Facilities. This includes, but is not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, and any

others engaged by the University for this semester. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, team leaders, etc. All APU employees serving as Authorized Adults are considered "mandated reporters" under applicable laws and University policy (see paragraph 13, below).

6. **Direct Contact:** Authorized adult positions with the possibility of care, supervision, guidance or control of minors and/or routine interaction with minors.
7. **One-on-One Contact:** One-on-One Contact means personal, unsupervised interaction between any Authorized Adult and a minor participant in the semester without at least one other Authorized Adult, parent or legal guardian being present, whether in physical space or over any medium or communication channel whether within or outside of semester activities. **ONE-ON-ONE CONTACT BETWEEN AN AUTHORIZED ADULT AND A MINOR IS PROHIBITED - WITHOUT EXCEPTION.**

## Policy:

### Sponsoring Unit -

The Sponsoring Unit for the Azusa Conservatory shall:

1. **Establish a procedure for the notification** of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problems, or significant program disruptions. Authorized Adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program. The signature of a parent or legal guardian must be obtained on the notification form acknowledging receipt of the information prior to participation of the minors in the program.
2. **Provide a list of all program participants** and a directory of program staff to Campus Safety. This list shall include participant's name; gender, age, address, and phone number(s) of parent or legal guardian, as well as emergency contact information.

**Adequate Supervision of Minors -**

3. **Ensure adequate supervision of minors** while they are engaged in the Azusa Conservatory Semester. **ALL ACTIVITIES INVOLVING MINORS MUST BE SUPERVISED BY AT LEAST TWO OR MORE AUTHORIZED ADULTS**, with at least one of the Authorized Adults being at least 21 years of age, or by the minor's parent(s) or legal guardian(s) **at all times**. Some of the factors to consider in determining "adequate supervision" are the number and age of the participants, the activity(ies) involved, and age and experience of the counselors. Violation of this requirement will result in the removal of the Authorized Adult, and potentially the minor, from the semester.

**Program Rules and Compliance -**

4. **Develop and make available to participants and to all Authorized Adults** these rules and discipline measures applicable to the program. Program participants, staff, faculty, volunteers, students, independent contractors and consultants must abide by all University regulations and may be removed from the program for non-compliance with rules. The following must be included in program rules: Hazing of any kind is prohibited. Bullying, including verbal, physical, and cyberbullying are prohibited.
  - No violence, including sexual abuse or harassment, or other illegal activities will be tolerated.
  - The inappropriate use of cameras, imaging, and digital devices is prohibited including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
  - Any posting of names, likenesses, photographs or other identifying documents or materials related to any minor participant on social media is prohibited. Posting of names, likenesses, photographs or other identifying documents or materials related adults is strictly prohibited without the signed authorization of the adult.

Violation of the rules of this Policy may result in discipline of the participant(s) and or Authorized Adults, up to and including removal and dismissal from the Program.

**Media and Liability Releases -**

5. Liability releases in a form approved for the Program must be signed by all participants (and a parent or guardian if the participant is a minor), if the use of names, likenesses, photographs, videos or other materials which would result in identification of participants for any media related purpose is planned, including where photographs, sound recordings or videotapes will be taken by staff members. Where applicable, all media releases must be obtained as part of the program registration process. All releases and data gathered shall be kept confidential, is subject to records retention guidelines, and shall not be disclosed, except as provided by law.

**Assigned Staff Member Accessible to Participants -**

6. Assign a staff member who is at least 21 years of age to be accessible to participants. Additional Authorized Adults will be assigned to ensure one-on-one contact with minors does not occur, and that appropriate levels of supervision are implemented.

**Background Checks -**

7. All Authorized Adults who have direct contact with minors under a University-sponsored program are required to have a current background check on record with the University at the time of hire and/or beginning work with minors. This background check must be reviewed and approved by the Office of Human Resources prior to the individual being hired and/or working with minors. Background checks for those who will work with minors must include, at minimum, the following:
  - Fingerprint processing via FBI or other appropriate law enforcement records;
  - County, state and federal criminal background checks via an approved vendor;
  - Checks via a national sex offender registry using the federal government's website. The Department of Justice's website is located at [www.nsopw.gov](http://www.nsopw.gov). The site includes federal, state, territory and tribal government registered sex offender information.
  - Driver record checks for anyone who will drive others (adults or minors) as part of participation in the program. This applies whether the individual will be driving his/her vehicle or a University owned or leased vehicle.

The University's Office of Human Resources will handle the checks specified in (i) through (iv) for University-sponsored programs. Information obtained through background checks must remain confidential and shall not be disclosed to anyone who does not have a legitimate business need to know such information. Background

checks conducted by a third-party vendor trigger federal Fair Credit Reporting Act requirements, including confidentiality provisions, certain disclosure provisions, and prior written authorization requirements. Federal and state restrictions on conducting background checks must be adhered to.

The costs of background checks for University-sponsored programs will be borne by the Program.

**Applications for Authorized Adults -**

8. Authorized Adults shall be required to complete applications before working with minors. If applying for employment, the Authorized Adult shall be required to complete an employment application. If the individual wishes to volunteer, he/she shall complete a volunteer application prior to working in any program involving minors.
9. A complete roster of Authorized Adults supervising, chaperoning, and/or interacting with minors, whether employees, volunteers, independent contractors or consultants, must be provided to the unit sponsoring the program and the Office of Campus Safety prior to commencement of the applicable program. The Department of Student Life and the Office of Campus Safety must be notified within 24 hours of changes to the roster.

**Training and Responsibilities of Authorized Adults -**

10. Training for Authorized Adults, including counselors and volunteers must include, at a minimum, information about responsibilities and expectations; policies, procedures, and enforcement; appropriate crisis/emergency responses; safety and security precautions; confidentiality issues involving minors; mandated reporting; and University responsibility/liability.
11. Responsibilities of Authorized Adults, including counselors and volunteers must include, at a minimum, informing program participants about safety and security procedures, University rules, rules established by the program, violations of rules which may result in discipline including dismissal from the program, behavioral expectations, reporting of crimes against minors, and mandated reporting of child abuse and neglect. Counselors and other Authorized Adults are responsible for following and enforcing all rules and must be able to provide information included in this policy to program participants and be able to respond to emergencies.
12. Each Authorized Adult who will be participating in a program covered by this policy shall attend a mandatory training on the conduct requirements of this policy, on protecting participants from abusive emotional and physical treatment, and on appropriate or required reporting of incidents of improper conduct.

**Mandatory Reporting of Child Abuse -**

- 13. Mandatory reporters** of child abuse, as defined by state law, include specific roles, including teacher, social worker, peace officer, and therapist. For the purposes of this Program, **APU has identified as mandatory reporters those Authorized Adults under the Program who are also APU regular employees.**

If a program participant discloses any type of assault or abuse (at any time previously or during the program), or if an Authorized Adult has reason to suspect that the participant has been subject to such assault or abuse, the Authorized Adult, as a mandated reporter, shall inform the Program Director and Child Protective Services (CPS) immediately. If the Program Director is not immediately available, the Authorized Adult shall proceed to making a report to Child Protective Services, as a mandated reporter, and inform the Program Director of the report at the earliest possible opportunity. The Authorized Adult shall call the CPS Hotline to make the report. The CPS Hotline numbers for Los Angeles County are:

(800) 639 - 4000 — Within California

(213) 639 - 4500 — Outside California

(800) 272 - 6699 —TDD

As a mandated reporter, the Authorized Adult is required to report any type of assault or abuse whether or not the minor participant cooperates in the reporting, and whether or not the minor asks the Authorized Adult not to make the report. The Authorized Adult shall never instruct or require the minor to make the report or participate in the reporting process. The Authorized Adult must follow up the phoned in report with a written report to Child Protective Services within 36 hours of filing the oral report. The Suspected Child Abuse Report form may be accessed at <http://ag.ca.gov/childabuse/pdf/ss8572.pdf>.

When contacting Child Protective Services, the mandated reporter shall include all available information regarding the known or suspected abuse or neglect, including, but not limited to, the name of the minor, his/her whereabouts, the names and addresses of the parents, guardian, or caretaker and the character and extent of the injuries. The report shall also contain, if known, any evidence of previous injuries to the minor and any other pertinent information that might establish the cause of the injury or injuries, and the identity of the person or persons believed to be responsible for the injury.

Reporting shall never be delayed in order to attempt to gather evidence. This is not the mandated reporter's role, and is not in the best interest of the minor. The CPS and/or appropriate law enforcement agency will determine if an investigation is appropriate.

The Program Director shall also notify the Office of General Counsel of such report immediately after reporting the assault or abuse to the CPS hotline.

Authorized Adults must make all reasonable efforts to ensure the safety of minors participating in programs and activities covered by this Policy, including removal of minors from dangerous or potentially dangerous situations, irrespective of any other limitations or requirements. Authorized Adults shall not, however, attempt to visit homes of parents or legal guardians, nor shall Authorized

Adults engage in any arguments or confrontations with parents, legal guardians, or caregivers. The appropriate authorities will determine what actions should or should not be taken.

If a situation presents immediate danger to a minor, the Azusa Police Department shall be contacted immediately if the minor is on campus or in the City of Azusa, and the appropriate city police department shall be contacted if the minor is outside of the City of Azusa. The University's Department of Campus Safety shall also be notified of immediate danger to a minor participating in a University-sponsored program or a program authorized to use University facilities.

**Prohibited Conduct By Authorized Adults -**

**14. Authorized Adults shall not:**

- Shall not establish any contact or any type of relationship with a minor participant outside the framework created and managed within the Azusa Conservatory, absent the express prior written consent of the parent copied to the Program leader.
- Engage in abusive conduct of any kind toward, or in the presence of, a minor.
- Strike, hit, administer corporal punishment to, or touch in any inappropriate or illegal manner any minor or any adult in the presence of a minor.
- Pick up minors from or drop off minors at their homes, other than the driver's child(ren), except as specifically authorized in writing by the minor's parent or legal guardian.
- Authorized Adults shall not provide alcohol or illegal drugs to any minor. Authorized Adults shall not purchase, obtain or use alcohol or illegal drugs in the presence of any minor or on University premises. Authorized Adults shall not provide prescription drugs or any medication to any minor unless specifically authorized in writing by the parent or legal guardian as being required for the minor's care or for the minor's emergency treatment. Participants' medicines may be distributed by program staff, following the conditions outlined in Paragraph 6 of this Policy. Faculty, staff, employees and volunteers are expected to refrain from the illegal possession and/or illegal use of drugs and/or alcohol at all times, and from the use of tobacco products on any University premises and/or when working with minors.

- **Gifts to Minors:** Authorized Adults shall never accept or give gifts to minors without the prior knowledge and approval of their parents or legal guardians. Any gifts permitted by a parent or legal guardian must be age appropriate and of nominal value. Authorized Adults shall never accept or give gifts to minors' parents or legal guardians', unless the same or similar gifts of nominal value are given to all parents or legal guardians of minors in the program.

**Inappropriate Materials Prohibited -**

15. Authorized Adults must never provide inappropriate videos, or reading materials, or direct minors to sources where they can access inappropriate videos, reading or other materials. This includes an absolute prohibition against making sexual materials in any form available to minors participating in programs or activities covered by the Policy or assisting them in any way to gain access to such materials.

**Allegations of Inappropriate Conduct by Authorized Adult -**

16. If an allegation of inappropriate conduct has been made against an Authorized Adult participating in a program, s/he shall discontinue any further participation in programs and activities covered by this Policy until such allegation has been satisfactorily resolved.

**Communications Between Authorized Adults and Minors -**

17. For the protection of all concerned, the key safety concept that will be applied to these interactions is transparency. The following steps will reduce the risk of private or otherwise inappropriate communication between Authorized Adults and minors:
  - Communications between Authorized Adults and minors that are outside of the role of the professional or volunteer relationship is prohibited.
  - All email exchanges between a minor and a person acting on behalf of the University, must be made using an apu.edu email address. Email communications between an Authorized Adult and a minor shall also include another adult, except where confidential counseling is involved.
  - Electronic communications on a University network or platform between APU personnel/volunteers and minors may be subject to monitoring by authorized APU personnel.
  - Except in emergency situations, text messaging between Authorized Adults and minors shall be avoided.
  - Communications and postings via social media (e.g., Facebook, Twitter) shall be avoided, except when specifically approved by parent(s) and/or legal guardians.

**Records Retention -**

18. Adherence to this Policy requires the generation and retention of various records, including, but not limited to, signed parental permission forms, employee, independent contractor, and volunteer screening and selection documents, training certifications, agreement with outside parties, documentation of complaints, and results of investigations. Retention of these documents is an essential part of programs involving minors. Retention periods may vary from state to state and from country to country. In some states, there is no limit on the time period for which such records must be maintained. In others, the time period does not begin to run until the minor reaches the age of majority. Consequently, records related to programs involving minors must be retained in locked confidential files for not less than seven years by the APU department sponsoring the program except for background check documentation. Background check documentation shall be kept in Human Resources for a minimum of seven years.