



## GUIDELINES FOR PROGRAMS INVOLVING MINORS<sup>1</sup>

**Purpose:** Swarthmore College strives to conduct its operations and maintain its facilities in a manner consistent with its purpose as a liberal arts institution of higher education. Minors participate in College-sponsored programs, activities and services and are present on campus for a variety of acceptable reasons, but their presence and participation must be authorized and monitored closely in accordance with these Guidelines. These Guidelines address requirements for program, activity or service oversight, screening of authorized program staff, policies and protocols, supervision of Minors, and training of authorized program staff. These Guidelines must be fully met as a condition to obtaining College-sponsorship, which includes approval to use the College's resources, name, property, and funding.

Anyone who suspects that a Minor who is on College property for any reason, or is participating in a College-sponsored activity at another location, has been the victim of child abuse shall immediately report the suspected abuse consistent with the College's [Mandatory Child Abuse Reporting Policy](#). This is a mandatory reporting obligation for all employees, independent contractors and volunteers. See also, [Mandatory Child Abuse Reporting FAQ's](#).

**Scope:** These Guidelines apply to any program, activity or service involving Minors that occurs on the Swarthmore College campus or any College-sponsored program, activity, or service that occurs off-campus. Examples of College-sponsored, off-campus activities include domestic or international College-funded student opportunities and transportation of Minors in College owned or managed vehicles. These Guidelines do not apply to general public events in College facilities where parents or guardians are required to attend and appropriately supervise their child. Any Minor visiting the College and not directly participating in a program, activity or service must be supervised by a parent or guardian at all times. Unsupervised minors who are not participating in a program, activity or service may be asked to leave College property by Public Safety.

**Authority:** This policy is consistent with requirements of the Pennsylvania Child Protective Services Law (CPSL), which can be found at 23 Pa. Cons. Stat. 6301, et seq.

For purposes of these Guidelines, the following definitions will apply:

“**Minor**” or a “**Child**” means any individual under 18 years of age.

“**Program, Activity or Service**” is defined within this policy as any program, activity or service, involving Minors, that occurs on the Swarthmore College campus or at College-sponsored activities that occur off-campus. According to the Pennsylvania Child Protective Services Law (CPSL), which can be found at 23 Pa. Cons. Stat. 6301, et seq. this includes:

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<sup>1</sup> Effective as of 8/2016, Due to changes that may occur in the law or other requirements, the most up to date version of this policy can be found at <http://www.swarthmore.edu/office-general-counsel/guidelines-programs-involving-minors>

1. A youth camp or program.
2. A recreational camp or program.
3. A sports or athletic program.
4. A community or social outreach program.
5. An enrichment or educational program.
6. A troop, club or similar organization.

**NOTE:** These Guidelines also apply to programs, activities and services that are offered to minors by non-College parties (**third party organizations**) on behalf of the College or using College facilities. Any existing and future contracts with such third party organizations must reference and attach copies of these Guidelines and the College's *Mandatory Child Abuse Reporting Policy*.

Such third party organizations will be required to certify in writing that they have met all requirements in these Guidelines including, without limitation, conducting the necessary screening and training of their staff. The College employee responsible for entering the facilities use agreement on behalf of the College shall ensure that the third party organization provides the appropriate certification of compliance with these Guidelines.

Examples of covered programs, activities or services include, but are not limited to workshops, conferences, sports clinics and team fundraisers, temporary child care at College-sponsored events, service programs, the Chester Children Chorus, and admissions/athletics pre-enrollment visits, summer camps or academic enrichment programs. All programs, activities or services which include the participation of Minors must be approved by a senior official of the College prior to the start of the program, activity or service. The Office of the General Counsel is available to assist in determining how these guidelines apply to the program, activity or service.

**“Authorized Program Staff”** refers to College employees or other individuals, whether paid or unpaid, who come into direct contact with Minors in College-sponsored or on-campus programs, activities or services. These individuals may include, but are not limited to regular and temporary staff and instructional staff (including faculty), students, independent contractors, interns, and volunteers. Authorized Program Staff must complete the required background screening and training described in these Guidelines.

**“Authorized Program Administrator”** is a College employee who has administrative oversight for the Swarthmore College-sponsored program, activity or service involving Minors, and is responsible for ensuring that these Guidelines have been met throughout the program, activity, or service's duration. The Authorized Program Administrator must also complete the required background screening and training described in these Guidelines.

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

**“Direct Contact”** refers to the care, supervision, guidance or control of Minors and/or routine interaction with Minors.

**“Routine Interaction”** refers to regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.

**“One-on-One Contact”** refers to interactions when an Authorized Program Staff member is alone with a Minor participant without at least one other Authorized Program Staff member, parent, or legal guardian being present. Also, Authorized Program Staff shall not have **direct electronic contact**, such as email or video-conferencing, alone with a Minor participant without another Authorized Program Staff member, parent, or legal guardian being included in the electronic contact.

## **I. Oversight**

- a. Swarthmore College programs, activities and services involving Minors must have administrative oversight through an appropriate college employee who will act as the Authorized Program Administrator that has completed required screening and training. The Authorized Program Administrator is responsible for ensuring that these Guidelines are followed throughout the program, activity or service’s duration.
- b. Anyone who will provide care, control or supervision of Minors, or have routine contact with Minors in the program must become an Authorized Program Staff member, which means they have completed the required screening and training described in these Guidelines.
- c. Programs, activities and services involving Minors that are led by Swarthmore College students and that occur on College property or that are College-sponsored programs must have administrative oversight by an Authorized Program Administrator and must adhere to these and other relevant College Guidelines.
- d. Authorized representatives of outside programs that use Swarthmore College property as the location of their programs involving Minors must comply with these Guidelines and will be required to provide assurance of compliance to the College as described in these Guidelines through an Outside Use Agreement. These outside program representatives are responsible for the administrative oversight of their programs.

## **II. Screening of Authorized Program Staff**

- a. Authorized Program Staff and Administrators must complete appropriate criminal and child abuse screening before working, participating in, or providing oversight for the program, activity or service.
- b. The following criminal screenings are required by law and these Guidelines:
  1. Report of state Criminal History
  2. Child Abuse History Clearance
  3. Fingerprint based Federal criminal history (FBI)
- c. Authorized Program Administrators shall coordinate with Human Resources to perform the necessary screenings for all Authorized Program Staff.
- d. Background screenings remain valid for five years and then must be renewed.
- e. Background screening records must be maintained for a period of six years.
- f. 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 these Guidelines.

- g. Authorized Program Staff must disclose, in writing, within 72 hours any misdemeanor or felony convictions after the date of their most recent background check.
- h. Exclusions.
  - 1. Employees excluded from this requirement are those employees whose direct contact is limited to prospective students visiting campus and to matriculated students who are enrolled at the College.
  - 2. Administrative or other support personnel unless the administrative or other support personnel has direct contact with children.

### III. Program Policies, Protocols, and Documentation

While the Authorized Program Administrator may adopt more procedures to oversee the program, at a minimum, the Authorized Program Administrator is responsible for complying with the following:

- a. Prior to participation, parents must complete a parent permission and informed consent with an hold harmless form as a condition of the Minor's participation. As applicable, parents must also complete:
  - 1. Photo Release.
  - 2. Trip Permission Form.
- b. If parent is not present during the activity, the Authorized Program Administrator must require both:
  - 1. prior written parental authorization of individuals authorized to pick up the Minor and
  - 2. ID checking by Authorized Program Staff before release of the Minor from the activity to ensure release is only to authorized individuals.
- c. Parents and guardians must provide written disclosure of any medical conditions that might affect the Minor's participation in the program, activity or service. Also, written notification must be given to parents that no medication will be given to the Minor and that health care is not available to the Minor on the premises. In the event of an emergency, 911 and emergency contacts will be called to respond.
- d. Written notification must be given to parents as to how they may contact the Minor while the program, activity or service is in session.
- e. A crisis and emergency protocol must be developed for the effective response to emergencies, which must include notification to Swarthmore College Public Safety at 610-328-8333, and emergency contact information must be obtained for the Minor.
- f. Programs that plan to use the athletic facilities must adhere to the College's pool guidelines.

### IV. Supervision

- a. **Ratios of trained program staff to children in the program activity is outlined in the chart below.** At least two trained program staff must accompany Minors while participating in the program activities.

Note: This requirement will not apply when there are high school students, including prospective athletes, participating in pre-enrollment overnight visitation through Admissions or Athletics with a Swarthmore College student

host who has qualified as an Authorized Program Staff member under these Guidelines and the College's [Mandatory Child Abuse Reporting Policy](#).

- b. Minors must be supervised at all times by an Authorized Program Staff member while on-campus or participating in a College-sponsored off-campus activity.
- c. The ratio of program staff to program participants should meet the following minimums:

| Age Level   | Staff | Children | Maximum Group Size | Total Number of Staff Required for Maximum Group Size |
|---|-------|----------|--------------------|---|
| Birth to 1 year of age  | 1     | 4        | 12                 | 3   |
| 1-2 years   | 1     | 5        | 12                 | 3   |
| 2-3 years   | 1     | 6        | 12                 | 2   |
| 3 years of age to the date the child enters kindergarten                              | 1     | 10       | 12                 | 2   |
| Date the child enters kindergarten to the date the child enters 4 <sup>th</sup> grade | 1     | 12       | 12                 | 1   |
| Child who attends 4 <sup>th</sup> grade through 15 years of age                       | 1     | 15       | 15                 | 1   |

- d. During the academic year, no program activities with Minors are to occur in the residence halls of the College, except when a Minor is hosted by an Admissions or Athletics student host for a recruitment visit, or other such purpose that has specifically been approved by the Dean of the College or the Provost. At all other times, program activities within residence halls are limited to registered and approved residential programs or camps.

**V. Conduct**

- a. Authorized Program Staff must make all reasonable efforts to ensure the safety of Minors participating in programs, activities and services covered by

these Guidelines. Authorized Program Staff participating in such programs, activities or services shall not:

1. Have one-on-one contact with Minors.  
This restriction precludes one-on-one contact with a Minor that is in-person or by electronic communication, such as video conferencing and email.
2. Engage in abusive conduct of any kind toward, or in the presence of, a Minor.
3. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner any Minor.
4. Provide tobacco products, alcohol or illegal drugs to any Minor.  
Authorized Program Staff shall not provide prescription drugs or any medication to any Minor. Nor shall Authorized Program Staff use or be under the influence of alcohol, illegal drugs, or any other substance that knowingly impairs capacity and/or judgment while participating in the covered program, activity or service.
5. Make pornography in any form available to Minors participating in programs, activities and services covered by these Guidelines or assist them in gaining access to pornography.
6. Leave any Minor in the care of a person who is not an Authorized Program Staff or in an area that is unsafe.

## **VI. Training**

- a. Authorized Program Staff must complete annual mandatory training on, at a minimum, the requirements of these Guidelines, the program policies and emergency procedures, mandatory reporting of suspected child abuse, and recognizing and protecting Minors from abusive emotional and physical treatment.
- b. Training records must be maintained for a period of six years.
- c. In the case of programs that are run by third party organizations, the College employee responsible for entering the facilities use agreement on behalf of the College shall be required to obtain the appropriate certification of compliance with these Guidelines.
- d. Independent contractors and authorized outside program representatives must provide assurance that they have complied with training comparable under these Guidelines. The College reserves the right to conduct an audit of any documentation of compliance, including background screening and training records of the independent contractor or the outside program staff.
- e. For a free, online Pennsylvania Department of Human Services-approved training course, visit: [www.ReportAbusePA.pitt.edu](http://www.ReportAbusePA.pitt.edu)

## **VII. Resources**

- a. If you have questions and requests for assistance regarding these Guidelines, contact the Human Resources Office and/or the Office of the General Counsel for assistance with fulfilling the requirements of these Guidelines.
- b. If you have any questions about the Pennsylvania Child Protective Services Law, visit: [www.KeepKidsSafe.pa.gov](http://www.KeepKidsSafe.pa.gov).