MINORS ON CAMPUS

Policy Statement: To provide guidelines for appropriate protection and supervision of minors participating in The New School (TNS)-sponsored programs, programs operated by outside entities held in University facilities, and/or programs housed in University facilities.

This policy does not apply to general public events where parents/guardians are invited and expected to provide appropriate protection and supervision of minors.

All TNS employees, Authorized Adults, and/or Required Reporters are subject to the terms of this policy.

I. Definitions

This policy is subject to the following definitions:

Authorized Adult – An individual, age 18 and older, paid or unpaid, who is authorized to interact with, supervise, chaperone, or otherwise oversee minors in program activities, or recreational and/or residential facilities. Authorized Adults are considered to be Required Reporters as defined by pending New York state law.

The Central Register (aka “Hotline”) – An organizational unit of the New York State’s Office of Children and Family Services which operates a statewide toll-free system for receiving reports of suspected child abuse, refers such reports for investigation, and maintains the reports in the Statewide Central Register of Child Abuse and Maltreatment.

Direct Contact – Position which exercises direct supervision, guidance, or control of minors.

Minor – A person under the age of eighteen (18) who is not matriculated, i.e., enrolled in a credit-bearing program at the University.

One-on-One Contact – Interaction between any Authorized Adult and a minor without at least one other Authorized Adult, Parent, or Legal Guardian present.

Programs – Programs and activities offered by any academic or administrative unit of the University, or by non-University groups using University facilities.

Required Reporters – Persons who, in the course of their employment, occupation, or practice of their profession come into contact with children and have reasonable cause to suspect, on the basis of their medical, professional, or other training and experience, that a child coming before them in their professional or official capacity is a victim of child abuse.

Sponsoring Unit – The academic or administrative unit of the University that offers a program or gives approval for use of University facilities.
University Facilities – Facilities owned by or under the control of the University.

II. Duty to Report Child Assault, Abuse, and Neglect

If any person, Authorized Adult or a Required Reporter (collectively “Reporter”), has reasonable cause to suspect that a minor has been subject to assault, abuse, or neglect (“Child Abuse”), that person shall immediately notify Campus Security, by calling 212.229.5101.

Campus Security shall be responsible for, and have the obligation to immediately make, a Report of the suspected child abuse to the New York State Office of Children and Family Services (OCFS) Central Registry (800.342.3720).

Campus Security may not make an independent determination of whether to report a suspected incident of child assault, abuse, or neglect.

Campus Security shall notify the person who reported the abuse to them when the report was made to NY OCFS.

If Campus Security is unavailable, or if Campus Security or his/her designee does not call NY OCFS to make such report, then that person shall immediately call OCFS (800.342.3720) to make such a report. Reports shall be accepted by NY OCFS or the county agency regardless of whether the person identifies himself/herself.

Notwithstanding this policy, nothing prohibits an Authorized Adult, a TNS employee, a Required Reporter, or any other individual from making a report directly to NY OCFS (800.342.3720).

In addition to other reports they make, Required Reporters shall report suspected child abuse to NY OCFS.

Within 48 hours of reporting to NY OCFS, Campus Security shall make a written report on forms provided by NY OCFS and obtainable on its website at ocfs.ny.gov/main/Forms/cps/LDSS-2221A%20Report%20of%20Suspected%20Child%20Abuse%20or%20Maltreatment.pdf.

Campus Security shall be responsible for notifying within 48 hours the Director of Campus Security, the University’s Title IX Coordinator, and the Senior Vice President for Human Resources and Labor Relations as well as the respective Program Director of the suspected child abuse, assault, or neglect unless Campus Security believes that the Program Director is involved with the alleged abuse.

All persons subject to the terms of this policy must make all reasonable efforts to remove minors from dangerous or potentially dangerous situations, irrespective of any other limitation or requirement.

The New School does not retaliate against any individual who has a reasonable cause to suspect that a minor has been subject to assault, abuse, or neglect and who reported such an incident.

III. Policy for Programs Involving Minors Operated by any Unit of The New School

Sponsoring units operating a Program involving minors (not including minors matriculated as undergraduate students) shall operate the Program in accordance with the following guidelines:
A. **Measures to prevent abuse of minors:**

1. **Require background investigations including a check of the New York State Sex Offender Registry of Authorized Adults and Required Reporters who have interaction with minors.** The Program Director must ensure these investigations are completed prior to the start of the Program. New hires will be required to complete the University background process at the time of hire.

2. **The background investigation process referred to herein requires that individuals complete the NY State Criminal History Record and NY State Sex Offender Registry.** All reports must be dated within six months of the initial date of assignment.

   This requirement applies to current employees who have not previously had a background check completed. All individuals, whether paid or in a volunteer capacity, must comply with this requirement.

3. **All Authorized Adults and Required Reporters must also disclose, in writing and within 72 hours, any arrests and/or convictions that have occurred since the date of a background check and/or clearance. Failure to so disclose may result in an Authorized Adult and/or Required Reporter not participating in a program in a New School facility and, for TNS employees, may result in disciplinary action, up to and including termination of employment.**

4. **The cost for completion of a background check for non-employees will be the responsibility of the individual.**

5. **If such a background investigation indicates a record of sexually based offenses or crimes against minors, that individual shall not participate in the Program.**

6. **If other offenses are revealed by such a background investigation, the Senior Vice President for Human Resources and the Director of Security collectively will determine whether participation in that Program by that individual can occur.**

7. **Background investigations must be valid and repeated every three years for ongoing staff.**

8. **Establish a procedure for the notification of the minor’s parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other 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.**

9. **Provide a list of all Program Participants and a directory of Program Staff to Campus Security. (TNS will provide this contact information to the sponsors). This list shall include each participant’s name, local room assignment (if applicable), gender, age (if a minor), and phone number(s) of parent or legal guardian, as well as emergency contact information.**

10. **Provide information to parent or legal guardian detailing the manner in which the minor participant can be contacted during the Program.**

11. **Obtain all parental consent waivers and liability releases as part of the Program registration process. All data gathered shall be confidential, is subject to records retention guidelines, and shall not be disclosed, except as provided by law.**
12. Require that Authorized Adults participating in Programs and activities covered by the policy not engage in the following conduct unless required by exigent circumstances:

i. Have one-on-one contact with minors unless authorized (e.g., on-campus private lessons or instruction). [Administrative Offices are advised to, whenever feasible, ensure that there are at least two Authorized Adults present during activities when minors are present or take other appropriate precautions to minimize the risks of harm to any minor during such activity.]

ii. Enter a minor’s room, bathroom facility, or similar area when that minor is staying overnight in University housing without another Authorized Adult in attendance, except under emergency circumstances.

iii. Share accommodations with minors, with the exception of minors' parents or guardians sharing accommodations with their own children.

iv. Engage in abusive conduct of any kind toward, or in the presence of, a minor.

v. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner any minor.

vi. 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.

vii. Provide alcohol or illegal drugs to any minor. Aside from the use of the Student Health Services as authorized by written parental consent, Authorized Adults shall not provide prescription drugs or any medication to a minor.

viii. Make sexual materials in any form available to minors participating in Programs or activities covered by this Policy or assist them in any way in gaining access to such materials. Nor shall they have any discussions of a sexual nature with minor participants.

13. All Authorized Adults participating in a Program covered by this Policy should attend University-sponsored annual 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 to the proper authorities.

a. 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 that Program unless or until such allegation has been satisfactorily resolved by the Title IX Coordinator and the Senior Vice President for Human Resources and Labor Relations. TNS employees are additionally subject to discipline, up to and including termination of employment.
14. Measures to Maintain Adequate Supervision of Minors:

a. Whenever feasible, all activities involving minors (with the exception of academic classroom activities) should be supervised by at least two or more Authorized Adults 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 participants; the activity(ies) involved; type of housing, if applicable; and the age and experience of the supervisors.

b. If applicable, Programs must adopt and implement rules and regulations for proper supervision of minors in University housing. The following should be included:

i. Guidelines on adequate number of staff for supervision of minors in particular activities.

ii. Written permission signed by the parent/guardian for the minor to reside in University housing, including contact information for parents and a duly executed emergency medical authorization to be given to the Group Supervisor.

iii. Guests of participants, if allowed (other than a parent/legal guardian and other Program participants), must abide by the University's housing regulations pertaining to guests.

iv. The Program must comply with all security measures and procedures specified by the New School Housing and Residence Life and the New School Campus Security.

v. Pre-enrollment visit Programs for high school students housed overnight in residence halls must be registered with the TNS Office of Residence Life.

15. Measures to Address Medical and Emergency Situations Involving Minors:

a. Authorization of, and Access to, Emergency Medical Services

i. A medical treatment authorization form, release of medical information (HIPAA), and emergency treatment and general medical liability waiver form should be completed by the parent or guardian of each minor participant.

ii. Programs must arrange to access emergency medical services at all locations. Medical care appropriate for the nature of the events, expected attendance, and other variables should be taken into consideration. Consultation may be obtained from Campus Security or Health Services.

iii. This section does not apply to Programs which involve only academic classroom activities.

b. Distribution or Administration of Medications

i. Aside from the use of the Student Health Services as authorized by written parental consent, University employees may not administer or distribute medication to any
minor participant.

ii. Appropriate refrigeration will be provided for medication if requested.

iii. In the event that any medicine cannot be self-administered, the participant or his or her parent(s) or legal guardian must arrange for administration with an independent health care professional in advance of the participant’s arrival.

c. Programs must also follow appropriate safety measures approved by the Student Services, Campus Security, and Compliance and Research and Sponsored Programs offices.


16. Rules and Regulations:

1. Develop and make available to participants the rules and disciplinary measures applicable to the program. Program participants and staff must abide by all New School rules and regulations and may be removed from the Program for non-compliance with rules and regulations. The following must be included in Program rules:

   a. Possession or use of alcohol and other unauthorized/illegal drugs, fireworks, and guns and other weapons is prohibited.

   b. Rules and procedures governing when and under what circumstances participants may leave University property during the program.

   c. Violence, including sexual abuse or harassment, is prohibited.

   d. Hazing of any kind is prohibited. Bullying, including verbal, physical, and cyber bullying, is prohibited.

   e. Theft of property regardless of owner will not be tolerated.

   f. Use of tobacco products is permitted only in designated areas. The New School is a smoke-free campus.

   g. Misuse or damage of University property is prohibited. Charges will be assessed against those participants who are responsible for damage to or misusing University property.

   h. 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.

   i. Any other activity prohibited by the Student Code of Conduct or other University policies.
IV. Policy for Programs Involving Minors Operated by Outside Parties in The New School’s Facilities

Any Program involving minors operated by outside parties in The New School’s facilities shall be operated consistent with the guidelines of this Policy. All contracts for the use of TNS facilities by outside parties for Programs involving minors shall reference this requirement and provide a link to this Policy.

Authorized personnel/signatories for non-University groups using TNS facilities must provide to the Sponsoring Unit satisfactory evidence of compliance with all of the requirements of this Policy at least thirty (30) days prior to the scheduled use of University facilities, and they must sign and approve the agreement for use of University facilities, if applicable.