

Overview

The University of Nebraska-Kearney (UNK) has a strong interest in protecting the safety of youth on our campus; therefore, the campus is implementing a *Youth Activity Safety Policy* in order to provide a safe, educational and enjoyable activity/program experience for all participants. This policy provides minimum specific guidelines for activities sponsored by the University of Nebraska-Kearney and for activities sponsored by other organizations, but held on UNK's campus. UNK units may on their own adopt policies that are stricter than the policies listed in this document. If non-UNK activities cannot meet these guidelines, prior written approval from the UNK Vice Chancellor for Business and Finance is needed. UNK reserves the right to discontinue an activity if found to be in violation of these policies.

Policy Definitions

Youth Activity – Any learning environment, activity, clinic, or conference sponsored by, or held on property owned or controlled by, the University of Nebraska-Kearney that includes close interactions with youths with or without parental supervision/oversight. This includes visits by youth staying overnight for campus activities. Examples of youth learning environment would be; camps, clinics, private lessons, counseling sessions or other one-on-one activities involving youth held on the UNK Campus.

Activity Contract – A legal document required for any non-UNK Sponsoring Organization using UNK facilities for a youth activity, clinic or conference.

Activity Director – a person who plans, directs and supervises all youth activity programs and staff

Activity Support Staff – any person who provides support services such as food service, custodial, maintenance, etc. for the youth activity.

Activity Worker – includes directors, coaches, assistant coaches, trainers, student assistants, staff, faculty, counselors, chaperones, officials, referees or teachers or any other adult or student acting as a supervisor/mentor/worker in a paid, unpaid or volunteer status.

Sponsoring Organization - Any person, business or organization supporting an event, activity or organization by providing financial support to the activity and accepting liability for such event, activity or organization. Sponsoring Organizations may already be part of UNK Sponsoring Organizations or they may be outside organizations coming to UNK for the Youth Activity.

Youth – Any person under the age of 19 excluding full- and part-time UNK students

Youth Activity Director and Sponsoring Organization Requirements

Youth Activity Directors and Sponsoring Organizations are responsible for the safety of the workers and participants for the duration of the Youth Activity. They are responsible for the behavior of the Activity Workers and adherence to this and all applicable University policies. University departments and organizations or any person, business or organization contracting to use UNK facilities or property for youth activities, or programs have the following requirements.

All Youth Activity Directors must complete a Registration form prior to the activity. This form must be approved by the Dean/Director, or their approved designee prior to the start of the Youth Activity. It is recommended that the Registration Form be completed thirty (30) days in advance of the Youth Activity.

All Youth Activities held at UNK must comply with this Youth Activity Safety Policy or receive a waiver from the policy. UNK Sponsoring Organizations must comply with this policy in its entirety. Non-UNK Sponsoring Organizations must comply with this policy or seek a waiver from the policy by providing alternative guidelines to UNK that are approved in writing by the UNK Vice Chancellor of Business and Finance. Activity Directors may request modification to the policy, but modification must be approved by UNK's Vice Chancellor for Business and Finance.

All Activities must comply with University policies including weapons, drug and alcohol policies. The alcohol and drug policies can be found at [here](#). The weapons policy can be found at [here](#).

All Activity Contracts must be approved by UNK's Director of Business Services. A non-UNK Sponsored Organization Activity may not begin without certificate of insurance approval by the UNK Risk Management Office.

It is the responsibility of the Activity Director to ensure all Activity Workers have received a copy (electronic or paper) of the Activity Worker Guidelines, and review the guidelines. The Activity Workers will sign and return to the Activity Director, the Youth Safety Policy Acknowledgement, prior to the start of the camp/event. Revisions to this form are not allowed. Parents/Guardians must also receive the Parent/Guardian Information form approved by the UNK Vice Chancellor for Business and Finance.

Activity Workers and Activity Support Staff must successfully pass a Sex Offender Registry Check for the state(s) in which they currently reside. No Activity Worker or Activity Support Staff can be listed on any Sex Offender Registry. Sex Offender Registry Checks must be conducted at least annually. The Sponsoring Organization is responsible for ensuring the checks are completed. Activity Directors must maintain an updated list of Activity Workers and Activity Support Staff noting the date that the Sex Offender Registry Checks were completed. These checks are free.

- The Nebraska Sex Offender Registry website: <https://sor.nebraska.gov>
- The National Sex Offender Public website: <http://www.nsopw.gov/en-us>

All Youth Activities must have or arrange for access to individuals that are certified in Adult & Youth CPR and First Aid within reasonable proximity to the Youth Activity in case of an emergency. Individuals may be on staff such as trainers, nurses, or trained staff or Youth Activities may arrange for pre-determined access to medical facilities such as UNK's Health Center or other area clinics or hospitals. In the case of an emergency or accident involving youth, Parents/Guardians will be notified, following notification of the appropriate emergency personnel.

Non-UNK Sponsoring Organizations will be required to have general liability coverage in the amount of \$1,000,000 per occurrence and \$3,000,000 aggregate that names the Board of Regents of the University of Nebraska as an additional insured. If a Youth Activity is an athletic activity, the general liability coverage must include participant liability in the amount of \$1,000,000. Certificates of insurance must be sent to UNK's Risk Management Office at least 30 days prior to the start of the activity for review. A non-UNK Sponsored Organization Activity may not begin without certificate of insurance approval by the UNK Risk Management Office.

All Activity materials and publications must prominently note the name, address, and phone number of the Sponsoring Organization.

Incident Reporting Form - All accidents and incidents and incidents must be immediately report to UNK's Office of Risk Management using the Youth Safety Policy Incident Report Form.

For recordkeeping purposes a list of participants will be documented and kept on file. If the activity/event occurs over a period of days/time, some type of attendance log will be kept. This will need to be kept on file for a minimum of seven (7) years.

Activity Worker and Activity Support Staff Eligibility

The Sponsoring Organization hosting the activity is responsible for ensuring that an Activity Worker or Activity Support Staff does not have a criminal background that would disqualify the individual from participating in the Youth Activity. Options may include a question on an activity application or a criminal history background check.

It is expected that all Sponsoring Organizations will comply with the guidance from the U.S. Equal Employment Opportunity Commission regarding consideration of conviction records in hiring ¹ and that all UNK Sponsoring Organizations will comply with Neb. Rev. Stat. § 48-202.² The following convictions generally will render an Activity Worker or Activity Support Staff ineligible to participate in

Youth Activities:

- Any sexual offense;
- Felony assault, including domestic violence related incidents;
- Child abuse, molestation or other crime involving endangerment of a minor;
- Murder; or
- Kidnapping.

¹ Under EEOC guidance, in making hiring decisions, employers must consider the nature and gravity of the offense or conduct, the time that has passed since the offense or conduct and /or completion of the sentence, and the nature of the job held or sought. If a determination is made that an individual should not be hired due to a conviction, the individual must be given an opportunity to provide additional information. Sponsoring Organizations must also comply with the Fair Credit Reporting Act (FCRA), if applicable. ² Section 48-202 states that a public employer generally must determine whether an applicant meets minimum employment qualifications before asking the applicant to disclose information concerning the applicant's criminal history.

Other convictions, such as misdemeanor assault, drug distribution activity, felony drug possession, and any other felony or crime involving moral turpitude, may also render an Activity Worker or Activity

Support Staff ineligible to participate in Youth Activities. UNK Administration reserves the right to deny any Activity Worker or Activity Support Staff participation in the Youth Activity should the Administration, in its sole discretion, determine that the Activity Worker or Activity Support Staff has engaged in behavior that disqualifies the individual from participating in the Youth Activity.

Activity Worker/Youth Interaction

1. A ratio of at least one adult supervisor to every 15 youth is required, with a minimum of two adult supervisors regardless of size of activity. At least one adult supervisor of the same sex as the youth is required.
2. When in bathrooms or locker rooms, Activity Workers must be the same gender as the youth. Activity Workers showering or bathing with youths is strictly prohibited under all circumstances. Activity Workers will not be in the shower or bath areas with youth except during extreme medical emergencies.
3. Youths will not be unsupervised in the residence halls at night.
4. Taking pictures of youth or posting to social media sites without parental permission is prohibited.
5. Use of an Activity Worker's personal room, office or home for interacting/meeting alone with youth that are affiliated with the activity is prohibited. Activity Workers are prohibited from meeting youth off-site or off hours. Exceptions require parental written approval and the Activity Director's approval in advance.
6. All youths must have adult supervision until released to a parent or guardian, unless specific written parental permission is received.

Vehicle Travel

1. Any Activity Worker who will be responsible for transporting youth by vehicle must undergo and pass a Driving Record Check as required by the University of Nebraska-Kearney Transportation Policy. Non-UNK Activity Workers who transport youth must have a valid driver's license and be approved by the Activity Director to transport youth.
2. Avoid any one-on-one transportation of youth.
3. If one-on-one travel will occur, the Activity Worker is encouraged to contact his/her supervisor or designee immediately before departure and immediately upon the arrival at destination.

Child Abuse and Neglect Including Sexual Assault Reporting Requirements

Nebraska statutes require any person who suspects or is aware of any child abuse or neglect, including sexual assault, to report such abuse, neglect, or assault to law enforcement or the Department of Health and Human Services (DHHS). Law enforcement is likewise required to notify DHHS of any such incidents reported to them. All Activity Directors, Activity Workers, and Activity Support Staff are required to notify the University Police Department at 308/627-4811 immediately when these situations are suspected.

This means that if you suspect any child abuse or neglect, including sexual assault:

- You must report it,
- You should give as much information about the circumstances as possible,
- You are immune from liability from any civil or criminal liability if you have reported the information in good faith, and
- If you know of child abuse, neglect, or sexual assault but are not reporting it, you are breaking the law.

Reference: Nebraska Statutes 28-710; 28-711; 28-716; 28-717:

Nebraska Revised Statute 28-710: (b) Child abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:

- Placed in a situation that endangers his or her life or physical or mental health;
- Cruelly confined or cruelly punished;
- Deprived of necessary food, clothing, shelter, or care;
- Left unattended in a motor vehicle if such minor child is six years of age or younger;
- Sexually abused; or
- Sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions;

Nebraska Statute 28-711: (1) When any physician, medical institution, nurse, school employee, social workers, or any other person has reasonable cause to believe that a youth has been subjected to abuse or neglect or observes such youth being subjected to conditions or circumstances which reasonably would result in abuse or neglect, he or she shall report such incident or cause a report to be made to the proper local law enforcement agency, the local Department of Health and Human Services or by calling the statewide hotline number at 1-800-652-1999.

Nebraska Statute 28-716: Persons participating in an investigation or making a report of youth abuse or neglect shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements.

Nebraska Statute 28-717: Any person who willfully fails to make any report required by the law shall be guilty of a Class III misdemeanor.

Youth Activity Safety Policy FAQs

Q: Can activities use their own parental permission form?

A: Yes-the form in the policy is a sample for considering; however camps may use their own form or incorporate it into existing forms.

Q: What should happen if a child shows up the first day of the activity and doesn't have all of the forms complete?

A: The activity should have a process where each child must sign in on the first day with a parent or guardian and the required forms are signed.

Q: What determines UNK sponsorship of an activity?

A: When UNK resources (financial) are used to help with the activity.

Q: Do volunteers have to go through a sex offender check?

A: Yes

Q: Who do I speak with if I have questions about insurance coverage?

A: Risk Management and Insurance at 308/865-8641

Q: Who can I contact if I have a question about employee sex offender registry checks?

A: Director of Police & Parking Services at 308/865-8517

Q: I need help checking driver's records. Who can I contact?

A: Remember driver record checks only apply to UNK employees. If you need help, contact Transportation Services at 308/865-1800.

Q: Does a UNK sponsored Youth Activity require insurance coverage?

A: No, all UNK sponsored activities are covered through University of Nebraska Insurance policies.

Q: If I am a non UNK sponsoring organization am I required to have insurance coverage?

A: Yes, general liability limits of \$1,000,000 per occurrence /\$3,000,000 aggregate are required. Please see item seven on page two of the policy.