

Minnesota State University, Mankato University Policy	
Policy Name: Protection and Presence of Minors on Campus	Effective Date of Last Review: August 2022 <u>2026</u>
Custodian of Policy: VICE PRESIDENT FOR STUDENT AFFAIRS AND ENROLLMENT MANAGEMENT	Date of Last Review: September 2024 <u>2025</u>
Date of Adoption: July 1, 2010	Date of Next Review: September 2025 <u>2032</u>

Policy

The purpose of this policy is to describe requirements placed on administrators, faculty, staff, students, volunteers, and others working with minors to ensure their protection and fulfill our obligations as mandated by law to provide the best possible experience for any minor visiting our campus or in university-related programs. This policy outlines the circumstances under which it is appropriate for minors to be present on the Minnesota State University Mankato campus, or at additional University locations. The policy is intended to foster respect for the needs of all parties impacted by the presence of minors on campus, in the classroom, or in the workplace.

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What is the policy language? Perhaps something like minors are permitted on campus in some situations, but not in others because of reasons.

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All programs and activities that involve minors will fall within the scope of this policy including programs operated by the University or 3rd party entities, programs taking place on campus, and programs under the direction and authority of the university at locations off campus. This policy applies to such programs and activities whether they are limited to daily activities or involve the housing of minors in residence halls. Exceptions to this policy include: undergraduate and graduate academic programs in which minors are enrolled for academic credit, events on campus that are open to the general public and which minors attend at the sole discretion of their parents or guardians, campus tours or visits by minors considered to be prospective students; and other programs as may be designated from time to time by the appropriate university official in advance and in writing as exempted by this policy. Activities where the responsibility for the minors does not transfer to university staff or faculty such as science fairs or school-sponsored visits where the minors are accompanied by school staff or chaperones are also exceptions.

Events

Minors are permitted to use open access areas on the Mankato campus or at additional University locations as long as they meet the behavioral expectations defined in the Statement of Student Responsibilities.

Minors are encouraged to attend university-sponsored events intended for minors and/or families or intended for community participation as long as they meet the defined behavioral expectations defined in the Statement of Student Responsibilities and any additional expectations established for the program.

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Open Access Areas

Use of University open access areas on the Mankato campus or at additional University locations by minors is encouraged as long as they meet the defined behavioral expectations.

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The leadership of the University is responsible for this policy with departmental leadership responsible for ensuring their programs and activities involving minors are compliant with this policy. Any questions regarding clarification of this policy should be directed to the Director of Security or the Director of Environmental Health, Safety & Risk Management.

PROCEDURES

Definitions

Minor: anyone under the age of 18 and not enrolled as a student at Minnesota State Mankato.

Parent/Guardian: any adult who is responsible for a minor while on campus regardless of the individual's relationship to the minor.

Open Access Area: areas on the Mankato campus or at additional University locations that are open to the public and do not require a MavCard for access or use.

Behavioral expectations: knowing and adhering to Minnesota State Mankato and Minnesota State policies, federal, state, and local laws, and the Minnesota State Mankato Statement of Student Responsibilities.

Events

Minors are encouraged to attend university sponsored events intended for minors and/or families or intended for community participation as long as they meet the defined behavioral expectations.

Open Access Areas

~~Use of University open access areas on the Mankato campus or at additional University locations by minors is encouraged as long as they meet the defined behavioral expectations.~~

Covered Programs/Activities

~~Covered~~ University sponsored programs that must comply with this policy include:

- Any planned event or series of events, activities, or educational experiences that is intended for minors (under the age of 18) as the primary participants and offered by University faculty or staff, academic or administrative units of the University ~~that is intended for minors (under the age of 18) as the primary participants. Examples This include,s but is are not limited to, academic clinics,~~ sport and recreational camps, 4H, conferences, volunteer experiences in laboratories or offices, internships, employment and/or participating on research teams.
- ~~Activities offered/sponsored by an academic or administrative unit of the University and conducted on grounds or under the authority of the University at non-University locations; and~~
- Activities where staff are responsible for supervisory control of participants that include minors during the activity.

This policy does not apply to:

- Activities designed for matriculated students enrolled in undergraduate or graduate courses (including PSEO students). ~~A matriculated student (for purposes of this policy), is one who has applied for and been formally admitted to a degree granting program;~~
- Activities that are part of the admissions and enrollment process, including undergraduate oOrientation and Welcome Week. ~~This means that faculty and other teaching personnel who only interact with minors who are registered students in credit bearing courses are not required to get a background check and training, unless a background check is otherwise required for another reason;~~
- Activities that are open to the general public where minors are only incidentally present, generally with an adult. Typical examples are public lectures, athletic events, theaters; and
- One-time informational interviews or tours with parents/guardians. ~~If a tour involves any activity without the presence of a parent/guardian, the activity falls under the requirements A-D, per the requirements grid.~~

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background check and training, unless a background check is otherwise required for another reason.;

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Activities Involving Minors Requirements

All programs and activities that involve minors will follow the current Procedures for Hosting Minors on Campus procedure as posted on the university website. The procedure will contain requirements for the following provisions:

- Communication and Notification — The sponsoring department shall establish an appropriate procedure for the notification of the minor's parent/legal guardian in case of an emergency, including behavioral problems, natural disasters, or other significant program disruptions.
- Medical Treatment, Administration of Medicines and Emergency Services — The sponsoring department shall develop a plan for the administration of medications as well as ensure that directions are readily accessible to staff and volunteers on how to summon emergency services.
- Supervision of Minors and Access to University Facilities — Each sponsoring department will develop a plan outlining the supervision of the minors and what their access to university facilities will be. The plan will include such things as an adult to participant ratio, the activities involved, a housing plan (if attendees will be staying overnight), a program staff training plan, minor attendance tracking or check in and check out procedures and the responsibilities of program staff.
- Program Rules of Conduct — Program staff will develop and make available to participants the rules and disciplinary measures applicable to the program.
- Liability — Program staff shall obtain an Assumption of Risk, Waiver of Liability, Indemnification, and Release form as part of the program registration process.
- Background Checks — All program staff and volunteers who have direct contact with minors or supervise a program with minors are required to have a background check on record with the University before the adult is hired or allowed to engage with minors.
 - Background checks will be conducted by University Security, and these checks must be cleared prior to the beginning of the activity/program. The background checks will be conducted through the Minnesota Bureau of Criminal Apprehension. If the program member has lived outside of Minnesota within the past ten years a fingerprint background check will be required to check other states.
 - The costs associated with the background check will be paid to security before the check will be conducted. MN law (MSS 181.645) prohibits employers from requiring employees or prospective employees to pay for a background check.
 - Subsequent background checks will be required every three (3) years for program staff and volunteers who return to a covered program or activity
- Requirements for programs directed by non-university entities.

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Camps and Other Scheduled Events

Registration

~~A. Program leaders are required to register the program with University Security, whether in-person, virtual, or hybrid on the designated IT, at least two weeks prior to the start of the event and all participants must be registered before registration for the camp opens. The purpose of registration is for each program to confirm it has addressed safety of minors in its planning and complied with the requirements of this policy. For units that regularly conduct programs for minors on or off University property (child care centers, annual summer camp programs, etc.), a single annual filing is sufficient. Each registration is good for one year, and must be renewed annually if the program continues. Program leaders are responsible for informing their unit head and obtaining approval for the program prior to registration.~~

Background Checks

~~B. All program staff and volunteers who have direct contact with minors or supervise a program with minors are required to have a background check on record with the University before the adult is hired or allowed to engage with minors.~~

~~Background checks will be conducted by University Security, and these checks must be cleared prior to the beginning of the activity/program. The background checks will be conducted through the Minnesota Bureau of Criminal Apprehension. If the program member has lived outside of Minnesota within the past ten years a fingerprint background check will be required to check other states.~~

~~1. The costs associated with the background checks will be paid to security before the check will be conducted. MN law (MSS 181.645) prohibits employers from requiring employees or prospective employees to pay for a background check.~~

~~Subsequent background checks will be required every three (3) years for program staff and volunteers who return to a covered program or activity.~~

~~Background checks will include a check of the National Sex Offender Public Registry ("sex offender registry").~~

~~Program staff whose service with the University or a covered program is interrupted for more than twelve months must undergo a new background check before working with minors.~~

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Program staff involved in direct contact with minors via tours through Admissions, including Orientation and Welcome Week, must also complete a background check.

The following staff are excluded from the background check requirements unless the Program ~~staff~~ Staff is staying overnight:

- Staff who engage with minors on or off campus in settings where minors are under the supervision, care and control of teachers, parents or other adult chaperones from the minors' school or organization;
- Volunteers and student employees who:
 - Will not have unsupervised contact with minors, and
 - Are under the direct supervision of a program staff member who has successfully completed a background check, and
 - Represent in an accessible format indicating that they are not on the sex offender registry.
- Guest presenters if program staff remain in the room.

Education/Training

Program staff who are required to have a background check must also complete a University-wide training course ~~called [], found in []~~ prior to participating in the program for minors. ~~The course includes []~~. Completion of this training is required, at a minimum, every three years.

Health and Safety

Covered University-operated programs, must comply with the health and safety measures required in the ~~P~~procedure along with the Pick-Up and Drop Requirements procedure associated with this policy.

Areas addressed in the Health and Safety Requirements section include:

- Program staff training
- Supervision (ratio requirements) of minors
- Overnight stay/residential
- Minors attending with an adult care-giver
- Program staff and participant interactions/boundaries and behavior
- Drug and alcohol use
- Physical environment (general and bathroom areas)
- Safe movement of minors (check-in, check-out procedures)
- Accident and illness prevention and management (medication)

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- Minors in labs

Minors in Classroom Buildings ~~Classrooms~~

Both instructors and students should refrain from bringing minors to class. ~~Minors, even well-behaved, can pose a significant distraction. The minor's presence has the potential to disrupt the proceedings either directly (due to behavior) or indirectly (class material is often not appropriate for a minor). Minors, even well behaved, can pose a significant distraction.~~ An instructor may ask a student to remove a minor from any class at any time. An instructor should never ask a student to supervise a minor. Additionally, the following guidelines apply:

Minors are permitted in the classroom if:

- The instructor grants the student prior permission to bring a minor to class.
- The Chair/Dean grants the faculty member prior permission to bring a minor to class.
- Minors are the focus of the academic work.
- Minors are under direct and constant supervision of a parent/guardian.
- The minor is enrolled as a student.

Minors are not permitted in the classroom:

- On a regular basis.
- When the classroom environment is not safe (e.g., a laboratory).
- When the material covered is inappropriate for a minor to witness.

Minors in Work ~~place~~ Spaces

Minors are welcome to visit the workplace on an occasional basis for brief visits under the following criteria:

- The minor is under the employee's or other designated caregiver's direct supervision and is the sole responsibility of the employee while on campus. Employees should be aware that requesting other employees to provide supervision is unacceptable.
- Minors are expressly prohibited from entering hazardous areas such as laboratories, kitchens, and workshops unless enrolled as a student.
- The presence of the minor cannot disrupt the work environment or negatively impact the productivity of employees within the workplace.
- Permission from a supervisor is required for more extended or regular visits.

The employee bringing a minor to campus is responsible for all aspects of the minor's behavior including the minor's safety and is financially responsible for any damages caused by the minor.

~~For a summary of responsibilities under this policy, please see Requirements Grid.~~

Non-University Organizations Using University Facilities

Non-university organizations, also referred to as third-party organizations, that operate programs or activities primarily intended for minors on campus or in a University facility or space, where minors attend without an accompanying adult or when the program includes an overnight stay, must certify to the University via a facility or rental agreement that:

- ~~All individuals who will have ongoing interaction with minors (and anyone who supervises such individuals) have received training and have undergone a background check that meets or exceeds the minimum requirements of this policy as described in the facility agreement. Note that the exceptions set forth in the Background Checking section above also apply to non-university organizations; and~~
- Non-university organizations are responsible for taking appropriate actions to meet or exceed the health and safety requirements as outlined in this policy. The University reserves the right to review the health and safety plans for a program or event.

When non-university organizations conduct a program or event in a University facility where minors attend as part of a team or group and are accompanied by coaches, teachers or group leaders from the minors' school or organization, the accompanying coaches, teachers and/or group leaders are responsible for the supervision of the participating minors.

Mandatory Reporting

All University employees, including student employees, as well as University volunteers, are required to report to University Security, to the local police department, county sheriff or local social service agency within 24 hours when they know or have reason to believe a minor is being physically or sexually abused or neglected, or has been within the past three years, including abuse and neglect by non-University persons. This includes all minors, students and non-students:

- Participating in University-sponsored programs that are held on or off University property;
- Enrolled in undergraduate and graduate academic programs at the University; or
- Participating in programs operated by non-University organizations on University property.

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While Minnesota law requires reporting by certain professionals at the University, such as educators (including faculty, instructors, researchers, coaches and deans), health care providers, social workers, and others, the University policy by policy extends this reporting obligation to all University faculty, staff (including student employees) and volunteers.

After reporting to authorities, individuals are encouraged to notify their supervisor, if appropriate.

The leadership of the University is responsible for this policy with departmental leadership responsible for ensuring their programs and activities involving minors are compliant with this policy. Any questions regarding clarification of this policy should be directed to the Director of Security or the Director of Environmental Health, Safety & Risk Management.

Enforcement

Minors found unattended and not meeting behavioral expectations will be reported to University Security. University Security will follow their response procedures to return the minor to appropriate adult supervision.

Violations by parents/guardians will be referred to University Security to document the violation. Follow-up action will be determined by the appropriate supervisor or the Office of Student Conduct resulting from information collected while investigating the initial complaint. Any disciplinary action must conform to the procedures included in the appropriate collective bargaining agreement, personnel plan, or the Statement of Student Responsibilities.

University Security response procedures may also include contacting the Mankato Department of Public Safety or child protective services if deemed necessary for the health and welfare of the minor.

Compliance with Policy and Protection from Retaliation

All University employees and volunteers must comply with this policy and any applicable federal, state, and local laws. Non-compliance may result in disciplinary action up to and including termination of employment.

Programs may be suspended during an investigation or discontinued if serious violations of this policy have occurred. University Security or local law enforcement will handle all suspected or known violations of law.

No member of the University community may retaliate against an individual because of the individual's good faith participation in:

- Reporting or otherwise expressing opposition to suspected or alleged misconduct;
- Participating in any process designed to review or investigate suspected or alleged misconduct or non-compliance with applicable policies, rules, and laws.

RATIONALE

Minnesota State University, Mankato is a diverse environment of classrooms, offices, laboratories, recreational facilities, and other common areas. Visitors to campus are welcomed and encouraged. However, appropriate precautions and limitations on visitation are necessary to protect health and safety and to maintain productivity and regulatory compliance.

The University values family members, minors, and dependents attending cultural or sporting events and making authorized use of the gymnasium, library, or pool facilities. However, the University must consider issues of safety, confidentiality, disruption of operations, and liability posed by the presence of minors on campus.

Additionally, Minnesota State University, Mankato hosts a wide variety of camps, clinics, workshops, and conferences many of which involve minor child participants under the age of eighteen (18) years. The University is committed to ensuring the safety and well-being of minors who are entrusted to our care or visit our campus.

Rationale

Minnesota State University, Mankato hosts a wide variety of camps, clinics, workshops, and conferences many of which involve minor child participants under the age of eighteen (18) years. The University is committed to ensuring the safety and well-being of minors who are entrusted to our care or visit our campus.

Definitions

Definitions

Adult: Any person 18 years of age or older.

Authorized Adult and/or Program Staff: Individuals, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee minors in program activities, or 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. For purposes of this policy the term "Program Staff" is also assigned this definition. This definition does not include temporary guest speakers, presenters and other individuals who have no direct contact with program participants other than short term activities supervised by program staff.

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Direct Contact: Providing care, supervision, guidance or control of minors and/or having routine interaction with minors.

Minor: Any person under the 18 years of age (MN Statute 645.451 subd. 3). This policy is specific to non-enrolled minors. A person under the age of eighteen (18) who is not enrolled at the university, or who is considered to be “dually enrolled” in university programs while also enrolled in elementary, middle and/or high school; is also referred to as a “participant” in this policy.

One-On-One Contact: Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parent or legal guardian being present.

Program: Programs and/or activities offered by various academic or administrative departments of the university, or by non-university groups using university facilities. This includes but is not limited to workshops, sport camps, academic camps, conferences, pre-enrollment visits, 4H or Cooperative Extension programs and similar activities.

Sponsoring Department: The academic or administrative department of the university which offers a program or gives approval for housing or use of facilities.

University Housing: Facilities owned by, or under the control of, the university intended for use as housing.

Minor: anyone under the age of 18 and not enrolled as a student at Minnesota State Mankato.

Parent/Guardian: any adult who is responsible for a minor while on campus regardless of the individual's relationship to the minor.

Open Access Area: areas on the Mankato campus or at additional University locations that are open to the public and do not require a MavCard for access or use.

Behavioral expectations: knowing and adhering to Minnesota State Mankato and Minnesota State policies, federal, state, and local laws, and the Minnesota State Mankato Statement of Student Responsibilities.

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