

University of Nebraska-Lincoln

Youth Activity Safety Policy

Revised March 29, 2019

Overview

The University of Nebraska-Lincoln (UNL) has a strong interest in protecting the safety of youth at our University; therefore, in 2012, the University implemented 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 Nebraska and for activities sponsored by other organizations but held at the University. Except as noted herein, University units may, on their own, adopt policies that are stricter than the policies listed in this document. If activities cannot meet these guidelines, prior written approval from the Vice Chancellor for Business and Finance is needed before such activities may be held at the University. Nebraska reserves the right to discontinue an activity if found to be in violation of this policy.

Definitions

Youth Activity – Any learning environment, activity, clinic, or conference sponsored by, or held on property owned or controlled by, Nebraska that includes close interactions with youths, with or without parental supervision/oversight. This includes visits by youth staying overnight for University activities.

Activity Contract – A legal document required for any non- Nebraska Sponsoring Organization using Nebraska facilities for a Youth Activity.

Activity Director – A person who plans, directs and supervises Youth Activity programs and staff.

Activity Support Staff – Any person who provides support services for Youth Activities such as food service, custodial, maintenance, etc.

Activity Worker – Includes directors, coaches, assistant coaches, trainers, student assistants, staff, faculty, counselors, chaperones, officials, referees, and teachers, and any other adults and students acting as supervisors/mentors/workers in a paid, unpaid or volunteer status, as part of a Youth Activity.

Sponsoring Organization - Any person, business or organization supporting a Youth Activity by providing financial support to the Youth Activity and accepting liability for such Youth Activity. Sponsoring Organizations may already be part of Nebraska (Nebraska Sponsoring Organizations) or they may be outside organizations coming to Nebraska for the Youth Activity (non- Nebraska Sponsoring Organizations).

Youth – Any person under the age of 19, excluding full- and part-time NU students, participating in a Youth Activity.

Youth Activity Director and Sponsoring Organization Requirements for Holding Youth Activities at Nebraska

All 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 Activity Support Staff and adherence by all those involved to this policy and all other applicable University policies. Youth Activity Directors and Sponsoring Organizations using Nebraska facilities or property for Youth Activities must meet the following requirements.

1. 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, and the Vice Chancellor of Business and Finance 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.
2. All Youth Activities held at Nebraska must comply with this *Youth Activity Safety Policy* or receive a waiver from the policy. Nebraska Sponsoring Organizations must comply with this policy in its entirety. Non- Nebraska Sponsoring Organizations must comply with this policy or seek a waiver from the policy by providing alternative guidelines to Nebraska that are approved in writing by the Vice Chancellor for Business and Finance. Activity Directors may request modifications or exemptions to the policy, but they must be approved by the Vice Chancellor for Business and Finance. It is recommended that the Registration Form be completed thirty (30) days in advance of the Youth Activity.
3. All Youth Activities must comply with University policies, including weapons, drug and alcohol policies. These policies can be found at: <http://police.unl.edu/youth-activity-safety-policy>.
4. All Activity Contracts must be approved by the Vice Chancellor for Business and Finance.
5. 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*. Revisions to this form are not allowed. In addition, the Activity Director must ensure that all Parents/Guardians receive a *Parent/Guardian Information Form* approved by the Vice Chancellor for Business and Finance.
6. 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/core/Portal.aspx>

7. 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 the University 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.
8. Non- Nebraska 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 submitted with the Registration Form at least 30 days prior to the start of the Youth Activity. A non- Nebraska Sponsoring Organization's Youth Activity may not begin without certificate of insurance approval by the Vice Chancellor for Business and Finance.

9. All Youth Activity materials and publications must prominently note the name, address, and phone number of the Sponsoring Organization. The Youth Activity address may be a Nebraska address for purposes of receiving activity registrations and materials.
10. The Sponsoring Organization shall maintain all records relating to this policy in accordance with the University's Records Retention Policy. See <https://bf.unl.edu/policies/bf/RecordsRetention.shtml>.

Activity Worker and Activity Support Staff Eligibility¹

As this policy makes clear, Nebraska is committed to providing a safe and secure environment for youth at the University. Accordingly, every Sponsoring Organization hosting a Youth 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 hiring² and that all Nebraska Sponsoring Organizations will comply with Neb. Rev. Stat. § 48-202.³ The following convictions generally will render an Activity Worker or Activity Support Staff ineligible to participate in Youth Activities:

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

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. Nebraska 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.

Vehicle Travel

¹ University units must follow these guidelines related to Activity Worker and Activity Support Staff eligibility and may not create their own guidelines.

² 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.

³ 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.

1. Any Activity Worker employed by Nebraska who will be responsible for transporting youth by vehicle must undergo and pass a Driving Record Check as required by the Nebraska Transportation Safety policy. Non- Nebraska Activity Workers who transport youth must have a valid driver's license and be approved by the Activity Director to transport youth.
2. Activity Workers should 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 arrival at the destination.

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 pictures or information about youth to social media sites without parent/guardian 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 Youth Activity is prohibited. Activity Workers are prohibited from meeting youth off-site or off hours. Exceptions require parent/guardian written approval and the Activity Director's approval in advance.
6. All activity workers are expected to exercise appropriate supervision of youth. Oversight may vary based on the activity, the age of participants, the location of the event, etc.

Questions regarding this policy can be addressed to the Vice Chancellor for Business and Finance at 402-472-4455 or youthsafety@unl.edu

Reporting Requirements for Child Abuse and Neglect, Including Sexual Assault

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 402-472-2222 immediately when these situations are suspected.

NOTICE TO ALL ACTIVITY DIRECTORS, ACTIVITY WORKERS, AND ACTIVITY SUPPORT STAFF:

If you suspect any child abuse or neglect, including sexual assault:

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

Reference: Nebraska Revised 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:

- (i) Placed in a situation that endangers his or her life or physical or mental health;
- (ii) Cruelly confined or cruelly punished;
- (iii) Deprived of necessary food, clothing, shelter, or care;
- (iv) Left unattended in a motor vehicle if such minor child is six years of age or younger;
- (v) Sexually abused; or
- (vi) 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 Revised Statute 28-711(Summary): (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 Revised Statute 28-716 (Summary): 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 Revised Statute 28-717 (Summary): Any person who willfully fails to make any report required by the law shall be guilty of a Class III misdemeanor.