

UNIVERSITY REGULATION
PART IX – STUDENT AFFAIRS
Chapter 09.12 – Protection of Minors

R09.12.010. General Statement: Protection of Minors

The University of Alaska (UA) system, as part of its mission, promotes and engages in many programs, events and activities that involve minors throughout its separately accredited institutions and campus locations. Protection and safety of minors are of the highest priority for the University of Alaska. To protect minors engaged in its programs, the University of Alaska has enacted the following regulations to provide protection for minors engaged in programs, events, and activities provided or endorsed by UA or any program conducted at its facilities.

R09.12.030 Definitions

A. Authorized Adults

Authorized Adults are individuals (whether full-time, part-time, temporary, paid, or unpaid), who in their official capacity have any direct and unsupervised contact with a minor. Authorized Adults include but are not limited to UA faculty, staff, other employees, volunteers, matriculated graduate and undergraduate students, interns, contractors, and consultants. Authorized Adult status does not apply to UA individuals at public events or in facilities regularly used by the general public where there is a reasonable expectation of parental supervision. A minor who is also a UA employee will be treated as an Authorized Adult even though they are also a minor if their position involves working with other minors (e.g., summer camp counselor).

B. Behavior of Concern

A behavior of concern is any behavior with minors that is suspicious and inappropriate, but may not rise to the level of abuse. Examples are provided in the Code of Behavior at R09.12.070.

C. Child Abuse or Neglect

Child abuse or neglect is the negligent treatment or maltreatment, injury, sexual abuse, or sexual exploitation of a minor by any person under circumstances which indicate that the child's health, welfare and safety is harmed or threatened. Child Abuse or neglect may be inflicted by any person and may include minor-to-minor abuse, Authorized Adult-to-minor abuse, or any adult to minor. For purposes of this regulation, abuse may include, but is not limited to, the following types and descriptions:

1. Physical Abuse means hitting or kicking, spanking or other corporal punishment, shaking, slapping, twisting or bending appendages beyond normal range of motion, pinching, scratching, hair pulling, unnecessary restraints, forcible contact with objects or substances;
2. Verbal Abuse means using degrading, or threatening language, including using foul language and cursing;

3. Sexual Abuse means any form of sexual conduct, engaging in inappropriate touching, exposing oneself, engaging in sex themed conversations;
4. Mental Abuse includes shaming, bullying, humiliation, and cruelty;
5. Neglect means unreasonable withholding of food, water, adequate clothing for conditions, shelter, and reasonable medical attention.

D. Direct Contact

Direct contact with minors means any care, supervision, guidance or control of minors or routine interaction with minors at a UA sponsored event. Any contact that is in a private setting, where there is significant opportunity for privacy with minors, where other adults will not be present, and where there is one-on-one contact or physical contact is direct contact.

E. Incidental Contact

Incidental contact with minors is limited to contact that is always in a public setting, where there is little or no opportunity for privacy with minors, where other adults will always be present, and where there is absolutely no one-on-one contact or physical contact.

F. Mandated Reporters

Mandated Reporters are persons that Alaska law legally requires to report child abuse and neglect. They are health practitioners or administrative officers of institutions; teachers and school administrators; child care providers; paid employees of domestic violence and sexual assault programs, crisis intervention and prevention programs, or organizations that provide counseling or treatment to individuals seeking to control their use of drugs or alcohol; peace officers or officers of the Department of Corrections; persons who process or produce visual or printed matter, either privately or commercially; members of a child fatality review team or the multidisciplinary child protection team

G. Minor

A minor is a person under the age of 18 years, unless the person is legally emancipated or legally married.

H. Non-UA Sponsored Program

A non-UA sponsored program is one where a third party contractor or third party individual hosts a program, event, or activity on UA property. Non-UA sponsored programs do not have UA oversight or supervision.

I. Supervised Adults

Supervised Adults are individuals who work with minors under the direction of an Authorized Adult. Supervised Adults do not have unsupervised contact with a minor.

J. Chief Title IX Officer

The Chief Title IX Officer is responsible for overseeing, coordinating and monitoring the University's regulation prohibiting discrimination, sexual assault, sexual harassment, dating and domestic violence, stalking, and retaliation ensuring compliance with federal and state discrimination and sexual harassment laws.

K. UA Approved Training

UA approved training is training submitted by university committees to the Chief Risk Officer and approved for use for Protection of Minor training.

L. UA Sponsored Program or UA Sponsored Activity

1. A UA Sponsored Program or UA Sponsored Activity is a program, event or activity designed to include minors, and offered: by academic, departmental or administrative units of UA, including student organizations, or in cooperation with outside entities where there is not a reasonable expectation of parental supervision. Minors who are program participants and enrolled in a numbered UA academic, non-credit or continuing education course are subject to the university's Student Code of Conduct.
2. Exemptions
 - a. This definition does not include activities occurring within the context of a numbered UA academic, non-credit, or continuing education course.
 - b. K-12 Schools and K-12 School Districts visiting UA outside of a UA Sponsored Program, visiting outside of a UA Sponsored Activity, or operating a program on a UA campus are exempt from this regulation, but must abide by their own supervisory requirements and certifications, including the ratio of authorized adult(s) to minors. The K-12 School or K-12 School District shall be responsible for the care of its minors at all times.
 - c. Child care providers visiting UA outside of a UA Sponsored Program or UA Sponsored Activity are exempt from this regulation, but must abide by their own supervisory requirements and certifications, including the ratio of authorized adult(s) to minors. The child care provider shall be responsible for the care of its minors at all times.

M. UA Course

A numbered class offerings occurring within UA academic programs, non-credit, or continuing education programs or units. These education and training courses and programs primary focus is adult learners and reflect that in their design, delivery, and content.

N. Caregiver

Someone who is responsible or intends to care for and actively controls a minor when parents or legal guardians do not stay with the minor during a UA sponsored activity; Caregiver status does apply during to adults at public events where the expectations are for parental supervision.

R09.12.040 Registration of UA Sponsored Programs

The Chief Risk Officer, in consultation with the Statewide administration, the University of Alaska Anchorage, the University of Alaska Fairbanks, and the University of Alaska Southeast, shall develop a system to register UA Sponsored Programs and Activities as well as non-UA Sponsored Programs occurring on all UA campuses. Registration information shall be provided to the UA Chief Risk Officer annually.

R09.12.050 Employee and Volunteer Screening and Selection

All UA Sponsored Programs or UA Sponsored Activities must adhere to the following employee and volunteer screening and selection criteria. These steps must be completed before an applicant is released to work with minors in a paid or unpaid position. Required training for these positions is found in R09.12.060.

A. Authorized Adults

All UA sponsored programs shall be staffed by at least one Authorized Adult who supervises all other Supervised Adults. Screening and selection of a new Authorized Adult must be documented in an individual's file and include:

1. A standard application;
2. Signed UA Code of Behavior; (annual requirement)
3. A borough/county criminal background check in all boroughs/counties where the applicant has lived the last 7 years; a multi-state criminal background check with Social Security Number Trace and Alias Search; and a national sex offender registry check; (every three years)
4. Have an interview.
5. A minimum of three reference checks that include professional and personal references.

Individuals currently classified as Authorized Adults shall comply with at least the first three items listed above in order to maintain their positions.

B. Supervised Adults

Screening and selection of all other UA individuals working with minors in a program who may not be an Authorized Adult must include:

1. A standard application;
2. Signed UA Code of Behavior; (annual requirement)
3. A national sex offender registry check. (every three years)

R09.12.055 Minimum Required Supervision Ratios

An Authorized Adult must provide every minor with reasonable and appropriate supervision. Unless otherwise approved, every program at which minors are present must have a minimum Authorized Adult to minor ratio of the following:

Type	Ratio See (Note 1)
Daycare Facilities	State of Alaska Administrative Code: 7 AAC 57.510
UA Sponsored Activities with caregiver responsibilities	State of Alaska Administrative Code: 7 AAC 57.510
UA Sponsored Activities without caregiver responsibilities	No required ratio, based on event
UA Hosted Activities	State of Alaska Administrative Code: 7 AAC 57.510
K-12 School Partnerships	See R09.12.030.J of this regulation

Note 1:

The ratio for 13-17 year old minors is established at a minimum of one Authorized Adult to 18 minors, additional Authorized Adults may be added at the discretion of the program or campus Risk Management department. The link below will guide you to the most current version of 7ACC 57.510

<http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=%5bJUMP:Title7Chap57!2C+a!2E+5%5d/doc/%7b@1%7d?firsthit>

R09.12.060 Training

All Authorized Adults and Supervised Adults must annually complete UA approved protection of minor and mandated reporter training courses, and must complete those courses prior to having contact with or access to minors. Additional program-specific training may be required.

R09.12.070 Code of Behavior

University of Alaska Sponsored Programs and Activities serving minors are required to include a signed Code of Behavior in their registration materials that includes the following minimum statement:

“Our program provides the highest quality services available to minors. Our commitment is to create an

environment for minors that is safe, nurturing, empowering, and that promotes growth and success for the minors who participate in our program. Any type of abuse will not be tolerated and will result in immediate dismissal from the program and/or University of Alaska (UA). UA will fully cooperate with authorities if allegations of abuse are made and investigated.

To accomplish this mission together, employees, volunteers, and other adults participating in UA Sponsored Program and Activities intended for minors:

1. Shall treat minors with respect at all times.
2. Shall treat minors fairly regardless of race, color, religion, national origin, age, sex, sexual orientation, gender identity, physical or mental disability, genetic information or pregnancy or parenthood status.
3. Shall adhere to uniform standards of affection as outlined in any applicable university or program specific procedures, and shall not engage in private displays of affection.
4. Shall not use or be under the influence of alcohol or drugs in the presence of minors or during activities or events involving minors.
5. Shall not discuss sexual encounters with or around minors.
6. Shall not date or become romantically involved with minors in the program.
7. Shall not make pornography in any form available to minors or assist them in any way in gaining access to pornography.
8. Shall not have secrets with minors or ask minors to keep secrets.
9. Shall not swear or tell sexual, discriminatory, degrading or otherwise offensive jokes.
10. Shall not stare at or comment on the minors' bodies.
11. Shall not engage in inappropriate electronic communication, such as "friending" or "following" minors, or allowing minors to "friend" or "follow" them, as may be further defined by specific program policies.
12. Shall avoid outside-of-program contact or interaction with minors, which may be further defined by specific program procedures.
13. Shall not be naked, shower, bathe, "skinny-dip" or undress with or in the presence of minors.
14. Shall not take any photographs or videos of minors or post photographs or videos on a digital, electronic, hosted media, web-based service or any other medium without first obtaining a release from the minor's parent or legal guardian.
15. Shall not abuse minors in anyway including the following:

Physical Abuse: means hitting or kicking, spanking or other corporal punishment, shaking, slapping, twisting or bending appendages beyond normal range of motion, pinching, scratching, hair pulling, unnecessary restraints, forcible contact with injuries objects or substances;

Verbal abuse: degrade, threaten, cursing

Sexual abuse: inappropriate touch, exposing oneself, sexually oriented conversations

Mental abuse: shaming, humiliation, cruelty

Neglect: unreasonably withholding food, water, adequate clothing for conditions, or shelter

16. Shall not allow minors to engage in hazing, bullying, derogatory name-calling, games of “Truth or Dare,” ridicule, or humiliation.
17. Shall report concerns or complaints about other adults or minors in accordance with all reporting policies, which include the anonymous **UA Confidential Hotline at toll free (855) 251-5719.**”

R09.12.080 Reporting and Response

If at any time any individual has reason to believe that a minor is in imminent physical danger, they shall contact law enforcement immediately. UA expects all employees, Authorized Adults, and Supervised Adults who become aware of abuse and or neglect of a minor to interrupt the behavior immediately, document it and report the incident, or circumstances causing suspicion of abuse to a supervisor, Dean, Director, Department Head, or Campus Risk Manager. Reporting of any suspected or observed violations of Board of Regents policies and University Regulations or any specific programs, rules, or procedures is mandatory. Parents/Guardians will also be included in any peer to peer violations of policy or regulation.

A. Reporting Abuse and Neglect

1. Individual Reporting of Abuse and Neglect

- a. All UA employees, Authorized Adults, and Supervised Adults who suspect or become aware of any child abuse or neglect must report their suspicion, observation or knowledge to their supervisor within 24 hours.
- b. All UA employees, Authorized Adults, and Supervised Adults who become aware of discrimination against a child based on gender or sexual identity or sexual harassment of a child, which includes sexual assault, sexual misconduct, or any other behavior of a sexual nature, must also report that conduct to his or her campus Title IX coordinator or Title IX contact within 24 hours.

2. Mandated Reporters

Some employees may be a Mandated Reporter under Alaska law. It is an employee’s responsibility to determine their Mandated Reporter status. Mandated Reporters must submit a report to the Office of Children’s Services within 24 hours of reasonable cause to suspect that a child has suffered harm as a

result of abuse or neglect. The mandated reporter has no responsibility to complete any type of investigation or determine if their suspicions are correct, but only must have a reasonable amount of information to say that they believe abuse or neglect may have occurred. Alaska Statute defines “reasonable cause to suspect” as “cause, based on all the facts and circumstances known to the person that would lead a reasonable person to believe that something might be the case.” Alaska law grants immunity from civil or criminal liability to persons who make reports in good faith and in a timely manner.

Mandatory reporters who become aware of abuse or neglect that involves discrimination against a child based on gender or sexual identity or sexual harassment of a child, which includes sexual assault, sexual misconduct, or any other behavior of a sexual nature, must also report that conduct to his or her campus Title IX coordinator or Title IX contact within 24 hours.

If an employee is a Mandated Reporter, UA expects him or her to adhere to the requirements of that law in addition to the requirements described in this section. If an individual has questions about mandated reporting, consult a supervisor, and/or Campus Risk Management for guidance.

3. Employees Subject to the Alaska Professional Teaching Practices Act

All faculty are subject to the responsibilities established by the Alaska Professional Teaching Practices Act. In addition to the other duties established by that Act, employees subject to it may not engage in physical abuse of a student or sexual conduct with a student including but not limited to students who are minors, and shall report to the Professional Teaching Practices Commission knowledge of such an act by an educator.

4. Supervisor or Administrator Response to a Report of Abuse or Neglect

The University expects supervisors or administrators who receive a report of abuse or neglect to act on that report. Supervisors and administrators should immediately forward reports of abuse or neglect to their supervisor, as well as campus police, the Title IX coordinator, and external agencies as appropriate. Supervisors and administrators should consult and follow campus protocols regarding reporting. The University of Alaska campus protocols for response and reporting are on file with Campus Risk Management, Campus Protection of Minor Committees, Chief Risk Officer, and the Office of General Counsel. Contact any of these offices for additional assistance.

5. Reporting Minor-to-Minor Sexual Contact, Sexualized Behaviors, Suspicious or Inappropriate Behavior, including Behaviors of Concern.

While the behaviors described in this section may fall outside of illegal activity, their prevention is important to providing a safe learning environment free of harassment for minors. As a result, UA expects all employees, Authorized Adults, and Supervised Adults who suspect, are told of, or observe minor-to-minor abuse or sexualized behaviors to immediately report their observations to their supervisor. Examples of conduct between minors to report include, but are not limited to sexual contact, hazing, bullying, derogatory name-calling, taunting, roughhousing, games of “Truth or Dare,” singling out minor for disparate or negative treatment, ridicule or humiliation, or behaviors listed as Behaviors of Concern. In addition to reporting the behavior described in this section, employees, Authorized Adults, and Supervised Adults are expected to immediately interrupt the behavior and separate the minors, ensure the safety of the minors, refrain from conducting any investigation, document observations, allegations and suspicions,

and report the incident to a supervisor.

R09.12.085 Minor Protection in UA Courses

Regulations will be promulgated to address minor students participating in UA Courses.

R09.12.090 Contractors, Facilities Use Agreements

Contractual agreements concerning personnel or facilities related to programs, activities, research and events including minors must comply with this regulation. Contractors having direct contact with minors shall be held to the same standard as employees and volunteers of UA and shall be provided a copy of this regulation. This language is not required for contracts involving only incidental contact.

The following shall be included as a term of the contract where a third party contract involves direct contact with minors:

A. Contractor shall defend, indemnify and hold harmless the University, its Board of Regents, officers and employees, from and against any and all claims, causes of action, losses liabilities, damage or judgments directly or indirectly related to any mental or physical injury or death arising out of its contact or its conduct or the contact or conduct of its directors, employees, subcontractors, agents or volunteers with minors including sexual abuse of minors as defined by Alaska statute.

B. Contractor shall purchase an insurance rider, endorsement, or secondary policy that names the University as an additional insured and covers and protects the University from claims and losses for the abuse defined in A. above and provide the University with a copy of that rider prior to the commencement of work under this contract. The Campus Risk Manager will have the authority to waive this requirement with written approval from the Chief Risk Officer and the UA General Counsel's Office.

C. Contractor shall present the University with certification, prior to the commencement of work under this contract, that all employees, directors, subcontractors, agents, or volunteers that may have contact with minors shall:

1. Be trained and certified in the identification, prevention and reporting of the sexual abuse of minors;
2. Undergo a local, state, and nationwide criminal background check and national sex offender registry check;
3. Be prohibited from working under this contract involving minors if they:
 - i. have been convicted of a crime of violence, neglect, reckless endangerment, or abuse against a minor or vulnerable adult;
 - ii. are a registered sex offender;
 - iii. have been convicted of possession of child pornography.
4. Adhere to the contractor's written policies related to the supervision of minors. At a minimum the contractors supervision procedures should include:

- i. Minimum adult to minor ratios;
- ii. How to supervise minors during overnight activities;
- iii. A signed Code of Behavior;
- iv. How to supervise minors during activities that are associated with water use, including, but not limited to pools, showers, bathing areas, swimming, etc.;
- v. How to supervise minors during transition times, including drop-off and pick-up;
- vi. Mandatory reporting of incidents or allegations of sexual misconduct, (involving adults or minors) according to existing University procedures.

D. Failure to satisfy A, B, and C above may result, at the University's sole discretion, in immediate termination of a contract for cause, without regard to any other termination provision.