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# PROTECTION OF MINORS

Robert Morris University (“RMU” or “university”) is committed to the safety of all individuals within its community. This Policy establishes guidelines for those in, and external to, the university community who may work or interact with individuals under 18 years of age on RMU property or while conducting university business elsewhere, with the goal of promoting the safety and well-being of minors.

## SCOPE

This Policy provides guidelines that apply broadly to interactions between minors and university students, faculty, staff, and volunteers<sup>1</sup> in university-sponsored or affiliated programs or activities. This Policy also establishes requirements for non-university organizations and entities that operate programs or activities involving minors on campus or at other university locations, and university agreements with such organizations and entities shall reflect these requirements. Independent contractors who have routine contact with minors on campus or at other university locations are also subject to this Policy. All Robert Morris University students, faculty, staff, volunteers, and third parties are responsible for understanding and complying with this Policy. Appendices to this Policy set forth specific requirements and procedures. This Policy does not apply to general public events where parents/guardians are expected to provide supervision of minors. The guidelines contained in the Policy do not and cannot outline every situation or circumstance that may be encountered involving minors on campus or at other university locations. While every scenario is not outlined, the principles of this Policy should be followed, if applicable. This Policy is administered by the Human Resources Department.

## DEFINITIONS

- A. **Minor** - Any person under the age of 18, with the exception of students enrolled at Robert Morris University and pursuing a program of study that results in a postsecondary credential, such as a certificate, diploma or degree. Enrolled students under age 18 are treated by this Policy similarly to all other students for purposes of their interactions with minors in university-sponsored or affiliated programs or activities and are subject to the requirements that apply to other students.
- B. **Abuse or Neglect of Minors** - The infliction of physical or psychological injury, sexual abuse or exploitation, or negligent treatment of a person under age 18. Sexual abuse includes engaging in or attempting to engage in a sexual act or sexual contact with a minor, causing or attempting to cause a minor to engage in sexually explicit conduct, or exposing the minor to sexually explicit conduct including, but not limited to, the use of social media to engage in such conduct. Neglect includes the failure to make reasonable efforts to prevent the infliction of abuse upon a person under age 18.

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<sup>1</sup> Those who are not members of the university’s faculty, staff or student body but who volunteer to assist the university or university faculty, staff or students with university-run or affiliated programs involving minors are subject to some or all of the requirements of this Policy. Those volunteers should contact the Human Resources Department to discuss their situation and how the Policy requirements apply.

- C. **University-sponsored or affiliated programs and activities** - Programs or activities involving minors that Robert Morris University operates, sponsors or participates in, or in which university students, faculty, staff or volunteers engage through their university or volunteer roles.
- D. **Non-University Programs** – A program or activity involving minors that is operated by an individual, organization or entity external to Robert Morris University. The university leases facilities/premises to the third party and may offer other services for payment, but is not involved in the program operations, participant supervision or management unless contractually obligated.
- E. **Clearance Required Position** – A position that has a significant likelihood of regular interaction with minors, including the care, supervision, guidance or control of minors, or routine interaction with minors, as determined by the Human Resources Department and senior management. Employees, students and volunteers in this category will be required to obtain clearances and acknowledge this Policy as outlined in the Policy appendices. Clearance required positions will answer “Yes” to at least one (1) of the following criteria:
1. Is the employee responsible for the welfare of the minor acting in lieu of or on behalf of the parent?
  2. Does the employee have direct contact with minors providing care, supervision, guidance or control of those minors?
  3. Does the employee have routine interaction with minors which is ongoing and integral to their essential functions?
- F. **Program Sponsor** – The RMU department, employee, or third party entity that operates a program or activity involving minors.
- G. **Criminal History Clearances** – As required by Pennsylvania Act 153, the following laws comprise the clearances which will be used to determine whether an individual can participate in activities or programs involving minors, whether it is University-sponsored or -affiliated or a non-University program:
1. **Act 33** – Pennsylvania Department of Public Welfare Child Abuse History Clearance
  2. **Act 34** – Pennsylvania State Police Criminal Record Check
  3. **Act 73** – FBI National Criminal History Background Check (fingerprinting)

## MINORS ON CAMPUS

As a general rule, because Robert Morris University’s mission is higher education, the university’s campus is not an appropriate environment for minors unless they are attending an event open to the community at-large or enrolled in a program or activity designed for children and appropriately supervised by adults with the proper training and credentials (e.g. sporting and cultural events, athletic or age-specific camps, “Bring Your Child to Work Day”). The campus is managed primarily for adults, and the university cannot assure safe places for children who are not enrolled in specific programs or activities or under the direct supervision of a parent.

The university recognizes that child care emergencies occur; however, it is not in the position to provide emergency child care. In emergency situations, employees may be permitted to bring their minor children to campus with advance approval of their supervisor and Human Resources, and students may be permitted to do so with advance approval of their faculty member, Department Head, Dean or Provost. In such instances, the parent is expected to provide supervision for the minor at all times. No minor may be left alone or unattended on university property at any time, and the RMU Police Department will be contacted if such a situation is encountered.

In general, and with the exception of Residence Life employees who may live on campus with their children, the residence halls are not an appropriate environment for minors (with the exception of special circumstances such as athletic recruiting and “Little Sibs Weekend”). Any minor guests of resident students must be registered in accordance with Residence Life guidelines. In no circumstances may resident students “babysit” minors in their rooms. Recognizing the importance of ensuring the safety and well-being of minor children, the university requires understanding and cooperation by its faculty, staff, and students with respect to this Policy.

## **GUIDELINES AND RESPONSIBILITIES**

If employed in a clearance required position or when participating in university-sponsored or affiliated programs and activities, students, faculty, staff, and volunteers must:

1. Be vigilant in protecting the well-being and safety of minors with whom they interact on campus, at other university locations, or while conducting university business.
2. Be familiar with the informational material included in Appendix A concerning Guidelines for Working with Minors and Signs of Abuse and Neglect.
3. Promptly report suspected instances of abuse or neglect, or violations of this Policy or law, as provided in the above section.
4. Meet the requirements of this Policy relating to criminal history clearances.
5. Acknowledge this Policy through completion of the certification form at Appendix C and, where applicable, through online training offered by the university (at least once per calendar year.)
6. Meet any additional requirements that relate to the specific program and activity.

Although matriculated students under the age of 18 are not considered “minors” for purposes of this Policy, anyone covered by this Policy who knows or suspects that a matriculated student under the age of 18 has been abused or neglected must make reports as directed by Section VII. Program Sponsors are responsible for ensuring that individuals participating in nonUniversity programs involving minors on campus or at other university locations are aware of, and comply with, this Policy.

## **CRIMINAL HISTORY CLEARANCES**

Certain categories of individuals will be required to obtain criminal history clearances<sup>2</sup> prior to participation in university-sponsored or affiliated programs and activities involving minors dependent upon the nature of their duties and interaction with minors. The categories of individuals who must undergo criminal history clearances are listed in Appendix B. If a criminal history clearance reveals adverse information, the university will conduct an individualized assessment using criteria designed to identify potential risks to minors. Except where required by law, criminal history clearances of university faculty, staff, students, and volunteers that are conducted pursuant to this Policy will be used only for purposes consistent with this Policy and will otherwise be kept confidential. Records of clearances will be maintained separately from an individual’s personnel, student or volunteer file. Verification copies of employment and volunteers clearances will be kept secured in the Human Resources Department. Student clearances required for an academic program and Island Sports Center clearances required for programming will be kept secured at the department level. Human Resources will confer with these departments annually to assist with compliance efforts. There may be rare circumstances where it is impractical and not otherwise required by law to conduct a criminal history clearance based on the nature of the activity or due to the unique circumstances of the employee or volunteer, and these situations are subject to prior approval from the Chief Human Resources Officer. In such instances, it is required that

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<sup>2</sup> These clearances are in addition to any background screening that may be requested of employees or applicants based on their position at the University.

there be more than one adult who has clearances present at the activity or event at all times, and/or other conditions may be imposed at the discretion of the Human Resources Department.

Non-university organizations and entities that operate programs or activities on RMU property involving minors must obtain criminal history clearances of their employees, volunteers, and representatives that comply with this Policy and other university standards. The university may request any additional information or impose additional conditions it deems necessary to meet the requirements of this Policy including, but not limited to, requiring such organizations or entities to maintain specified insurance coverage.

Independent contractors and vendors that are on RMU property where contact with minors is routine must adhere to the university's policy on criminal history clearances. The university may request any additional information or impose additional conditions to meet the requirements of this Policy including, but not limited to, requiring such contractors or vendors to maintain specified insurance coverage. Independent contractors and vendors that are on RMU property where contact with minors is routine must adhere to the university's policy on criminal history clearances. The university may request any additional information or impose additional conditions to meet the requirements of this Policy including, but not limited to, requiring such contractors or vendors to maintain specified insurance coverage.

## **REPORTING POTENTIAL CRIMES INVOLVING MINORS**

**A. Responsibility to report potential crimes involving minors** - All persons have a responsibility to promptly report to the RMU Police Department any suspicion or belief that a minor:

1. Is being abused (including sexual abuse);
2. Is being neglected; or
3. Is otherwise in need of assistance.

**B. Minors who are students at RMU, in RMU Programs, or visitors to any RMU facility or location** - In situations involving possible abuse (including sexual abuse) of minors who are students at RMU, involved in RMU Programs, or visitors to any RMU facility or location, one should immediately contact:

1. The RMU Police Department at 412-397-2424
2. 9-1-1;
3. The Title IX Office (if situation is not an emergency); or
4. RMU EthicsPoint hotline (1-800-963-5593 or [www.ethicspoint.com](http://www.ethicspoint.com)) (if situation is not an emergency).

**The RMU Police Department and 9-1-1 are both available 24/7.**

The Title IX Office and RMU EthicsPoint hotline should not be used for situations requiring an immediate response. Regardless of the reporting mechanism, the appropriate law enforcement agency and/or child welfare agency will be notified of the alleged abuse.

**C. Protection for good faith reports** - Any individual who makes a report in good faith to law enforcement in accordance with this Policy will not be subject to adverse action by RMU.

**D. Responsibility to report** - All individuals with knowledge of possible abuse of minors have an obligation to report. Failure to report may result in disciplinary action, up to and including termination of employment, in addition to any legal consequences imposed by law enforcement agencies.

**E. Questions** - Any questions regarding reporting under this provision should be directed to RMU Police, Human Resources, Student Life, the Counseling Center, or one's supervisor

## **REGISTRATION**

All university-sponsored or affiliated programs and activities and non-university programs covered by this Policy are required to register the program at least 60 days prior to the scheduled start date of the program through completion of the Program Registration Form provided on the RMU Protection of Minors Policy website, and included here as Appendix D.

The Program Sponsor will be responsible for registration of the program and compliance with the Policy, including the assurance that all program participants have fulfilled the requirements of the Policy, including the attainment of necessary background clearances and completion of the online training and online policy acknowledgment. For university and non-university programs, a Program Sponsor will be identified during the contract process and will need to review this Policy and complete a Program Sponsor Certification form (Appendix C).

Typically, the Program Sponsor will be the RMU employee conducting the university program, or the designated representative of the third-party conducting the non-university program. All training and completed certifications must be submitted to Human Resources prior to participation of any event that requires clearances under this Policy.

## **ENFORCEMENT**

Sanctions for violations of this Policy will depend on the circumstances and the nature of the violation, but may include the full range of available university sanctions applicable to the individual including, but not limited to, suspension, dismissal, termination, exclusion from campus, and/or notification to law enforcement agencies and/or child welfare agencies. The university may also take appropriate interim actions before determining whether a violation has occurred. The university may terminate relationships and/or take other appropriate actions against non-university entities that violate this Policy.

## **EMPLOYMENT**

New employees who are hired for a position that requires Act 153 clearances will be required to have all Act 153 clearances prior to first day of employment. New hires will be required to have their Act 33 and Act 34 clearances prior to starting and will need to complete a PA Disclosure Form during the onboarding process until the Act 73 clearances are complete. Exceptions to this deadline may be made on a case by case basis in the event of delay in obtaining clearances that is beyond the control of the prospective employee. In this situation, supervisors will need to make alternative arrangements in which the employee can be accompanied by another employee who has clearances in order for the employee to complete their essential job functions. If this alternative is not possible, the employee may be placed on administrative leave until their clearances are received.

## **ACT 153 RECERTIFICATION**

Criminal history clearances for Robert Morris University faculty, staff, students, and volunteers who participate in university-sponsored or -affiliated programs or activities involving minors must be renewed every five years unless more frequent renewals are required by an accrediting or licensing body. In

addition to regular renewals, Human Resources will be responsible for tracking clearances subject to any more frequent renewal cycles. Notifications will be sent to the employee and the employee's manager for the recertification of their Act 153 clearances ninety (90) days in advance of expiration. In the event that an employee's clearances expire, the employee will be prohibited from having direct contact with minors until Robert Morris University receives current clearances. Supervisors will need to make alternative arrangements in which the employee can be accompanied by another employee who has clearances in order for the employee to complete their essential job functions. If this alternative is not possible, the employee may be placed on administrative leave until their clearances are received.

## **RANDOM AUDITS, OVERSIGHT, AND IMPLEMENTATION**

All university-sponsored or affiliated programs and activities, non-university programs, and independent contractors who operate under this Policy are subject to random audits to verify compliance with the responsibilities and requirements set forth herein. Questions about the interpretation or application of this Policy should be directed to the Human Resources Department, which is responsible for oversight and implementation of the Policy.

## **APPENDICES**

1. Appendix A: **Guidelines for Working with Minors**
2. Appendix B: **Criminal Background Checks**
3. Appendix C: **Program Sponsor Certification**
4. Appendix D: **Program Registration Form**

# APPENDIX A

## General Guidelines for Working with Minors

Those associated with programs or activities involving minors should observe the following "dos" and "don'ts" in order to provide a safe and positive experience for program participants, encourage parental confidence, and prevent allegations of improper conduct.<sup>3</sup>

### DO:

- Maintain the highest standards of personal behavior at all times when interacting with minors.
- Whenever possible, try to have another adult present when working with minors in an unsupervised setting. Conduct necessary one-on-one interactions with minors in a public environment where interactions can be observed.
- Listen to and interact with minors and provide appropriate praise and positive reinforcement.
- Treat all minors in a group consistently and fairly, and with respect and dignity.
- Be friendly with minors within the context of the formal program or activity while maintaining appropriate personal-space boundaries.
- Maintain discipline and discourage inappropriate behavior by minors, consulting with supervisors if assistance is needed with misbehaving youth.
- Be aware of how your actions and intentions might be perceived and could be misinterpreted.
- Provide open door counseling for any sessions with minors or conduct such sessions in an area that allows for private conversation while remaining in the view of others.
- Consult with other adult supervisors or colleagues when uncertain about a situation.
- Use good judgment about verbal, electronic or other forms of social media communications with or about minors, and refrain from discussing personal or intimate information.
- Comply with additional rules and/or policies of sponsoring organizations which provide for the protection of minors, and which are provided to individuals involved with applicable programs or activities

### DON'T:

- Spend time alone with one minor away from the group or conduct private interactions with minors in enclosed spaces or behind closed doors.
- Engage in inappropriate touching or physical contact with a minor.

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<sup>3</sup> These guidelines are not meant to limit medical, psychiatric or other professional interactions with minors where professional standards apply.

# APPENDIX A

## General Guidelines for Working with Minors (continued)

Signs of Child Abuse and Neglect Nationally, most reports and substantiations of child mistreatment are neglect, followed by physical abuse and sexual abuse. The following signs, by themselves, may not be conclusive evidence of a problem, but serve as indicators of the possibility that a problem exists. Neglect occurs when parents or caretakers do not provide proper supervision, control, and subsistence, education as required by law or other care necessary for healthy development.

### Physical signs may include:

- Poor hygiene
- Inappropriate or ill-fitting clothing
- Being left alone or with people unable to provide proper supervision
- Obvious lack of necessary medical treatment

### Behavioral signs may include:

- Chronic hunger or sleepiness
- Delayed language development
- Clinging behavior or development of indiscriminate attachments
- Frequent complaints of feeling unwell.
- Frequent tardiness or absence from school

**Physical abuse** is a non-accidental injury of a child by a parent or caretaker.

### Physical signs may include:

- Bruises, welts, or swelling
- Sprains or broken bones
- Burns
- Lacerations or abrasions
- Bite marks
- Unexplained or repeated injuries

### Behavioral signs may include:

- Attempts to hide injuries
- Difficulty sitting or walking
- Wariness of physical contact with adults
- Reluctance to go home
- Depression or self-mutilation
- Fear of parent(s) or caregiver(s)

**Sexual abuse** is exploitation of a child for the sexual gratification of an adult or older child.

### Physical signs may include:

- Difficulty walking or sitting
- Torn, stained, or bloody clothing
- Genital pain or itching
- Sexually transmitted diseases
- Pregnancy
- Nightmares or bedwetting

### Behavioral signs may include:

- Demonstrates sophisticated or unusual sexual knowledge or behavior
- Extremes—hostile and aggressive or fearful and withdrawn
- Self-mutilation
- Substance abuse
- Running away
- Refusal to change for gym or to participate in physical activities

## **APPENDIX B**

### **Criminal History Clearances for Those Interacting with Minors**

The following categories of adults (faculty, staff, students, and volunteers) are required to obtain criminal history clearances prior to their participation in university-sponsored or affiliated activities or programs involving minors:

- Directors and supervisors of programs and/or activities involving minors, including those who are responsible for supervising those who interact with minors;
- Those who stay overnight with minors as part of their responsibilities in a program or activity involving minors;
- Those who would likely spend significant time with minors as part of their job responsibilities or role in a program involving minors;
- Those who would likely have regular contact with minors during the evening or off campus;
- Those who transport minors for authorized programs and activities;
- Those who would likely have regular, direct physical contact with minors; and
- Those who would likely have regular access to minors in various states of dress.

The Human Resources Department will oversee the processing of criminal history clearances. As required by Pennsylvania Act 153, a criminal history clearance shall minimally consist of a search of federal and state or county databases for criminal history for the past seven years, and a sex offender registry search subject to the following laws:

- Act 33 – Pennsylvania Department of Public Welfare Child Abuse History Clearance
- Act 34 – Pennsylvania State Police Criminal Record Check
- Act 73 – FBI National Criminal History Background Check (fingerprinting)

If a criminal history clearance reveals adverse information or unfavorable results, an individualized assessment will be conducted, taking into account the following:

- The nature of the finding;
- The job or responsibilities for which the individual is being considered;
- The underlying event(s) that occurred;
- The time elapsed since the finding;
- The individual's employment history and/or other evidence of his or her activities in the intervening time since the finding; and
- Other relevant information.

A prior arrest or conviction shall not automatically disqualify an individual from participating in a program or activity, but shall be considered using the criteria identified above. All reviews will be conducted in compliance with the Fair Credit Reporting Act.

## **APPENDIX B**

### **Criminal History Clearances for Those Interacting with Minors (continued)**

For university-sponsored or affiliated programs or activities, only valid Act 33, 34, and 73 criminal history clearances will be accepted for purposes of this Policy. An individual possessing up-to-date clearances as required under Act 153 shall be permitted to transfer those clearances to Robert Morris University, provided that, (i) the clearances have been obtained within the past two (2) years, and (ii) prior to commencing employment or service, the individual must swear or affirm in writing that the individual has not been disqualified from employment or service under 23 P.S. §6344(c) or has not been convicted of an offense similar in nature to a crime listed in section 6344(c) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth. All clearances needed for employment and recertification must be obtained through and will be paid for by the University.

Criminal history clearances for Robert Morris University faculty, staff, students, and volunteers who participate in university-sponsored or affiliated programs or activities involving minors must be renewed every five years unless more frequent renewals are required by an accrediting or licensing body. In addition to regular renewals, Human Resources will be responsible for tracking clearances subject to any more frequent renewal cycles. Any faculty, staff, student or volunteer who is required by this Policy to have a criminal history clearance is under a continuing obligation to disclose immediately and in writing any new felony or misdemeanor arrest or conviction to his/her supervisor and Human Resources within 72 hours. An individualized assessment will be conducted as outlined earlier in this section.

The Human Resources Department will oversee the review of criminal history clearances for Robert Morris University faculty, staff, students, and volunteers, and in consultation with appropriate departmental representative(s) and the Office of General Counsel, will make determinations in cases where criminal history clearances reveal adverse information that is relevant to one's participation in a program or activity covered by this Policy.

Except where required by law, criminal history clearances of University faculty, staff, students, and volunteers will be used only for purposes consistent with this Policy and will otherwise be kept confidential. Any record of information returned as a result of the criminal history clearance will be maintained separately from an individual's personnel, student or volunteer file. Non-university organizations and entities that operate programs or activities on campus involving minors must ensure that criminal history clearances are obtained for their employees, volunteers, and representatives that meet Robert Morris University standards as defined by this Policy and their contract/agreement with the University. The university may exclude any external program employee, volunteer or representative who does not obtain criminal history clearances that are satisfactory to the University. Non-university organizations and entities must also submit a Certification of compliance with the criminal history clearance rules described herein. The university may request any additional information or impose additional conditions it deems necessary to meet the requirements of this Policy including, but not limited to, maintaining specified insurance coverage. Individuals required to obtain a criminal history clearance under this Policy who are not university employees or students (whether involved in a university program or activity or one operated by a non-university entity) must obtain criminal history clearances prior to the start of a program or activity involving minors and must renew the criminal history clearances every five years unless more frequent renewals are required by an accrediting or licensing body. In addition to regular renewals, Human Resources will be responsible for tracking clearances subject to any more frequent renewal cycles.

Independent contractors and vendors that are on RMU property where contact with minors is routine must comply with the university's criminal history clearance requirements. The university may request any additional information or impose additional conditions it deems necessary to meet the requirements of this Policy including, but not limited to, maintaining specified insurance coverage.

Initial Release: January 14, 2014

Last Updated: March 24, 2024

Revised: February 1, 2020

Next Review Date: January 1, 2024

