



Office of the Vice Chancellor for Finance and Administration
100 Bascom Hall University of Wisconsin-Madison 500 Lincoln Drive Madison, Wisconsin 53706-1380
608/262-9943 FAX: 608/263-7449

University of Wisconsin-Madison Precollege/Youth Programming Policy (March 11, 2019)

Functional Owner: Director of Precollege and Youth Programming and Compliance

Executive Sponsor: Vice Chancellor for Finance and Administration, Provost

Policy Contact Director of Precollege/Youth Programming and Compliance

Policy Summary

The University of Wisconsin–Madison (University) is committed to the well-being, safety, and protection of all members of the University community, including Minors. The University community recognizes Minors are a vulnerable population, and they require special attention and protection. This policy establishes the University’s minimum requirements and expectations for precollege and youth programming and safety and requires registration, screening, and training for all persons involved in programming to identify and address issues that may affect Minors in the University community.

Scope

This policy applies to:

- University employees, faculty, staff, students, student employees, graduate students, interns, affiliates, volunteers, contractors, consultants, visitors and third-party vendors. who are Designated Individuals.
- Third parties using University Facilities for programs that include minors.
- Programs and activities held both on and off campus, including those held in other municipalities, states, and nations.

This policy does not apply to:

- A person under the age of eighteen (18) who is not a University employee, enrolled for academic credit, with the exception of academic credit received pursuant to a Program, or accepted for enrollment at the University.



- University or affiliated sponsored events or Programs open to the general public, or locations generally open to the public, and which Minors attend at the sole discretion of their parent(s) or legal guardian(s).
- Medical care given in an in-patient or out-patient setting pertaining to minors in a university patient-care setting.
- Institutional Review Board (IRB)-approved research.
- University daycare and preschool services provided by a licensed health care provider (or employee or volunteer acting under the direction of a licensed healthcare provider).
- Private events where Minors attend under parental or legal guardian supervision.

The University has specific policies addressing Minors. The Precollege/Youth Programming Policy supports and complements existing policies and guidelines for Minors on campus. It also describes the resources that are available to all departments and units to help protect Minors engaged in Programs at the University. This policy does not supersede: any stricter standards set by state or federal statutes or guidelines; college, school, department, division or unit Programs that apply to supervision of and contact with Minors; or the University policy governing the supervision of Minors who are participating in University research, which is overseen by the campus Institutional Review Board (IRB).

Definitions (Specific to this policy)

Authorized Adult:

Any person eighteen (18) years of age or older who supervises or interacts with a minor.

Designated Individual(s):

Any person involved in a Program for Minors (program or programs), who supervises or interacts with a Minor. This includes those Programs held on or off campus or is sponsored by the University. All Designated Individuals are Authorized Adults.

Legal Guardian:

An adult who is legally responsible for a minor.

Minor:

A person under the age of eighteen (18) who is not a University employee, enrolled for academic credit, with the exception of academic credit received pursuant to a Program, or accepted for enrollment at the University.

Office of Precollege/Youth Programming and Compliance:



The Office of Precollege/Youth Programming and Compliance is the office charged by the Provost and Vice Chancellor for Finance and Administration for overseeing UW-Madison precollege/youth programming and compliance.

One-on-one Contact:

Unsupervised interaction between an Authorized Adult and a Program Participant without at least one other Authorized Adult, parent, guardian, family member or other minor being present.

Program:

Any activity, event, recital, lesson, camp, educational activity involving supervision or interaction with a Minor that is sponsored or operated in whole or in part by the University and/or its academic or administrative units on or off campus or offered by a third party on University Facilities. The term Program specifically includes, but is not limited to: workshops, sport camps, academic camps, conferences, Precollege and Youth Programs, clinics, internships, 4H Programming, shadow days, and similar activities, involving Minors and regardless of whether they offer day/commuter or overnight/residential Programming.

Program Director:

The University college, school, unit, affiliate, or department employee who owns, operates, or is responsible for the oversight of any Program involving Minors held on or off campus sponsored by the University.

Program Participant:

A Minor who is attending or participating in a Program.

Risk Executive Sponsor (RES):

An individual in a University school, college, or auxiliary unit who is ultimately responsible for programmatic and budgetary oversight for that unit. Within a school or college, the RES would be the Dean; for a major auxiliary unit, the RES would be the Director.

Third Party:

Non-University organizations and entities that lease, license, or otherwise use any University property in order to operate Programs or activities involving Minors.

University Facilities:

Facilities or land owned by, or under the control of, the University. This includes facilities or property used for off-campus Programs.



Policy

I. Program Registration Requirements

The following requirements must be met prior to operating a Program sponsored or operated in whole or in part by the University.

- A. Eligibility.
 - i. The University requires any Program to be sponsored and controlled by a University college, school, unit, or department through the approval and signature of a RES
 - ii. Every Program must have a designated Program Director who is a permanent employee of the University and the sponsoring unit. Program Directors are responsible for ensuring their Program's adherence to the requirements under this policy and must maintain documentation verifying compliance with screening, training, and supervision requirements under this policy.
- B. Registration. Every Program must register with the Office of Precollege/Youth Programming and Compliance no later than thirty (30) days prior to the start date of the Program. The requirements and standards are stated in the UW-Madison Youth Programming Manual. See Appendix A.
- C. Camps on Campus Insurance. All Programs must have Camps on Campus Insurance while participating in Programs both on and off campus.
- D. Supervision Plan. Each Program must establish a plan for adequate supervision based on the number and average age of Minors, the Program activity, and whether overnight accommodations are involved. This plan must address:
 - i. Supervision structure. volunteers.
 - ii. Rule of three considerations. See Appendix B for recommended adult-to-Minor ratios.
 - iii. Transportation activities.
 - iv. Check-in and out procedures.
 - v. Overnight procedures.
 - vi. Transitions and free-time.
 - vii. Field trips or off-site activities.
 - viii. Bathroom and locker room procedures.
 - ix. Diapering, toileting, changing, and napping for younger children.

II. Designated Individual and Authorized Adult Screening Requirements

- A. Designated Individuals or Authorized Adults must satisfy criminal background check screening requirements prior to supervising or interacting with minors.



- i. Authorized Adults:
 - i. Shall be subject to a criminal background check screening the first time they work in Programs for Minors.
 - ii. Shall be subject to a criminal background check every two years to remain eligible to work in Programs with Minors.
 - iii. Are required to report any of their own criminal arrests, charges or convictions (excluding misdemeanor traffic offenses punishable only by fines) within twenty-four (24) hours or at the earliest opportunity.
- ii. Designated Individuals must also meet the following:
- iii.
 - i. If returning to the University after less than a one-year absence, are required to have a new criminal background check screening.
 - ii. Parental consent must be given for the criminal background check in the case of an individual under the age of 18 requiring a criminal background check.
- B. Records related to criminal background check screening must be kept consistent with the university records retention requirements.
- C. Program Directors must ensure all Designated Individuals who supervise or interact with Minors during the Program complete the criminal background check screening requirements.

III. Training Requirements

- A. All Designated Individuals must complete annual training administered or approved by the Office of Precollege/Youth Programming and Compliance. The requirements and standards are stated in the UW-Madison Youth Programming Guidebook. See Appendix A.
- B. Program Directors must insure that Designated Individuals annually complete the training required in subsection(A).
- C. All training must be completed prior to any work in a Program.

IV. Appropriate Interactions with and Supervision of Minors

Adults should serve as positive role models for Minors, and act in a caring, honest, respectful, and responsible manner that is consistent with the mission and guiding principles of the University. The behavior of all members of the University community is expected to align at all times with the University and applicable codes of conduct. The following additional interaction and supervision requirements apply to all Programs and Designated individuals.



- A. Rule of Three. There must be at least two (2) adults and one Minor or two (2) Minors and one adult present within the context of the supervision plan. The only exceptions to this policy are as follows:
- i. There is a familial or legal guardian relationship between the adult and Minor.
 - ii. Instructional and research settings where one-on-one tutoring occurs. In such settings, free access to the instructional or research setting by authorized persons to and from any space must be maintained at all times. Examples to achieve this include: no window or door coverings that would restrict or eliminate visibility into the room and ensuring doors that are used to enter and exit the space are unlocked and accessible. In such settings it is strongly encouraged to leave doors open when feasible. If doors cannot remain open, the Rule of Three must be in place at all times.
 - iii. Emergency Exception. The Rule of Three requirement identified in this policy may be temporarily suspended if an emergency situation warrants it (e.g., one adult accompanies a Minor to the emergency room, is summoning law enforcement, or is searching for a missing Minor). An alternative adult must join the group to reestablish ratios as soon as feasible.
- B. Privacy of Minors respected. Adults must respect the privacy of Minors in situations such as changing clothes and taking showers, whenever possible. Intrusions are permitted only to the extent that health and safety require. Adults must protect their own privacy in similar situations.
- C. Prohibited Conduct

Prohibited conduct of Authorized Adults includes, but is not limited to:

- i. No one-on-one contact with Minors is permitted outside the presence of others. See Section IV (A) above for exceptions to this prohibition.
- ii. Bullying. The University does not tolerate any bullying involving Minors participating in Programs or any other University events. Participation in any activity that is deemed to be bullying behavior will result in immediate termination from the Program.
- iii. Discrimination or Harassment. The University does not tolerate any discrimination or harassment involving Minors participating in Programs or any other University events. Participation in any activity that is deemed to be discrimination or harassment will result in immediate termination from the Program. See Appendix E.



- iv. Inappropriate use of cameras, imaging, or digital devices is prohibited. Use of a device capable of recording or transmitting visual images in shower houses, restrooms, or other areas where privacy is expected by participants is prohibited.
- v. Meeting with minors outside of established times for program activities.
- vi. Touching minors in a manner that a reasonable person could interpret as inappropriate.
- vii. Engaging in any abusive conduct of any kind toward, or in the presence of, a minor, including but not limited to verbal abuse, striking, hitting, punching, poking, spanking, or restraining.
- viii. Showering, bathing, or undressing with or in the presence of minors.
- ix. using, possessing, or being under the influence of alcohol or illegal drugs Being alone in a vehicle with a minor at any time. Another student or adult must be present.
- x. Having direct electronic contact with minors without another person included in the communication. This includes but is not limited to telephone, social media, text or email.
- xi. Making sexual materials in any form available to minors participating in programs or activities or assist them in any way in gaining access to such materials.

V. Recognizing, Responding, and Reporting

The University is dedicated to the safety and welfare of minors. It is imperative that everyone actively participate in the protection of Minors and be alert to safeguard the safety of Minors on and off campus.

- A. For incidents of child abuse and neglect all University employees, volunteers and contractors must comply with the University Policy on Mandatory Reporting of Child Abuse and Neglect. See Appendix C.
- B. Every member of the University community is expected to notify the University of violations of:
 - i. This policy,
 - ii. Title IX,
 - iii. The Precollege/Youth Program Code of Conduct, See Appendix D
 - iv. Inappropriate or suspicious behaviors that may not rise to the level of abuse,
 - v. Minor-to-Minor sexualized behaviors and abuse.

Reports to the University can be made to a supervisor, Title IX Coordinator, administrator, or Director of Precollege/Youth Programming and Compliance and must follow the reporting procedures in Appendix C.

VI. Investigation and Resolution



The University's investigation and resolution procedures will be carefully followed to ensure that the rights of all those involved are protected. The safety and well-being of the Minor is the key consideration when deciding what interim safety measure(s) to initiate and maintain.

VII. Third Party Programs

Third party Programs, facility rentals, and non-university sponsored events may be allowed on University Facilities but only if they comply with the requirements of this policy, the procedures in the UW-Madison Youth Programming Manual (See Appendix A), and the following:

- A. Complete the formal registration process and receive approval from UW OPYC prior to the start date.
- B. Pay a Program registration fee.
- C. Enter into a written agreement with the University that:
 - i. Certifies to the University that the training requirements of this policy have been met.
 - ii. Commits to operating their program in compliance with this policy and applicable law.
 - iii. Defends, indemnifies and holds harmless the University and its Board of Regents from and against any and all claims, causes of action, losses liabilities, damage or judgments directly or indirectly related to sexual misconduct or child abuse or neglect.
 - iv. Names the university as an additional insured on any applicable insurance policies, including a sexual abuse and molestation policy.
 - v. The vendor or contractor whose employees, affiliates, or volunteers will have routine or unsupervised access to vulnerable populations (minors or medical patients) in the course of the contract must include a representation from the vendor or contractor stating that these employees, affiliates, or volunteers have satisfied a criminal background check that includes a national criminal background check database.
 - vi. Commits to report incidents or allegations of sexual misconduct (involving adults or Minors) back to the institution in a timely manner.
- D. Not compete with pre-existing University Programs.
- E. Provide a minimum of two (2) full scholarships to students from diverse populations.
- F. Submit all print and digital marketing materials to UW-Madison Trademark Office prior to release to the public.
- G. Pay a trademark fee to use the UW name on approved marketing materials.

VIII. Authority/ Enforcement

The University delegates authority to the Office of Precollege/Youth Programs and Compliance for oversight of any Programs involving Minors held in University Facilities on or off campus sponsored by the University and for activities or programs sponsored in whole or in part by third parties and/or facility rental agreements occurring on University facilities.



- A. Programs are subject to periodic inspections site visits conducted by the Office of Precollege/Youth Programs and Compliance.
- B. Colleges, schools, departments, divisions, units, third parties or individuals must cooperate with investigations when they occur.
- C. Any compliance documentation must be made available to the Office of Precollege/Youth Programs and Compliance upon request.

IX. Consequences for Non-Compliance

- A. Any violations of University policies by an individual will be dealt with in accordance with applicable University policies and procedures, which may include disciplinary actions up to and including termination.. Legal prohibitions regarding physical presence on campus/trespassing may also be pursued.
- B. Volunteers or affiliates who violate this policy could result in the immediate dissolution of any affiliation with the University.
- C. Programs in violation of this policy may be denied permission to continue operation at the University.
- D. Suspected violations of law will be referred to law enforcement and may result in criminal penalties.

Related policies and Procedures

Appendix A: UW-Madison Youth Programming Manual
Appendix B: Adult to Youth Ratio Recommendations
Appendix C: Reporting Requirements
Appendix D: Precollege Staff/Youth Program Codes of Conduct
Appendix E: UW-Madison Policy on Sexual Harassment and Sexual Violence
Appendix F: Additional Links and Resources