

**Definitions****1. How do I know if my situation is an “activity or program with minors?”**

To determine whether your situation fits the definition, apply the three prong test. Is it an activity or program that is operated by Ohio State? Is there at least one minor in it? Are parents and guardians not expected to be responsible for their children during activity or program? If the answer is yes to all three questions, look to the scope section to determine if the “activity or program with minors” falls within scope. If the answer is no to any of these questions, the policy does not apply.

2. I’ve been asked to speak at a school. Where does this fall?

If the activity meets the three prongs of the definition for “activity or program with minors,” the policy applies. If the school is organizing the event, the activity would not meet the first prong of the definition, therefore not falling within scope. If it does meet the three prongs, it is possible that the teacher maintains responsibility of the children and is present during the program, serving in the “care, custody, or control” role. This would then be treated as an “activity or program with minors,” but university personnel would not hold “care, custody, or control” responsibilities.

3. If a teacher is bringing children to my program/facility/etc, who has “care, custody, or control?”

If the activity meets the three prongs of the definition for “activity or program with minors,” the policy applies. A simple visit to a facility is not likely to meet the definition but other trips may suffice, depending on if the university is operating, conducting, or organizing the trip. If the teacher maintains responsibility of the children and is present during the program, the teacher would serve in the “care, custody, or control” role. This would then be treated as an “activity or program with minors,” but the university personnel would not hold “care, custody, or control” responsibilities.

4. What are examples of people without “care, custody, or control?”

Not all interactions with minors are within scope of this term; examples of situations that do not constitute “care, custody, or control” include but are not limited to, situations when another person is deferred to as the decision maker on behalf of the child, an individual giving a tour to a class with the teacher present, an individual sitting at a desk that may occasionally answer questions for minors, situations when parents or guardians are expected to be responsible for the minor, or environmental and food service personnel conducting their normal service activities.

5. Is it possible to only have 1 person with “care, custody, or control” during a program?

Yes, as long as that person maintains responsibility of the children and is present during the activity or program. At least 1 person must be present with “care, custody, or control” duties at all times during an “activity or program with minors.”

6. What if an emergency arises that would result in a “one-on-one interaction?”

“One-on-one interactions” should not be planned for or intentional. However, situations do arise which may require an individual to be alone with a minor. While individuals should take precautions to prevent being one-on-one with a minor (bring another adult with them, handle the situation in a public, open space, etc), if an emergency warrants such an interaction, the interaction should be as brief as possible, and program directors or supervisors should be alerted as soon as possible to ensure that all parties are aware of what occurred.



Scope

- 1. If I was within scope on the original policy (4-H, childcare, and overnight camps), what changes for me now?**
Requirements for these programs remain substantially the same. However, the registration requirement, site visits, and the exemption process are all new; new training content has been developed; and the background check process has been modified.
- 2. If parents and/or guardians are required to be present at all times during my program, meaning they should always be within sight of the minors, this policy does not apply to me?**
That is correct. According to the definition of “activities and programs with minors,” if parents or guardians are expected to be responsible for the “care, custody, or control” of their children during the activity, program, or event (e.g. a wedding), the program is not an “activity or program with minors,” therefore does not fall within scope of the policy.

Registration

- 1. Why do I need to register my programs?**
It is common practice across the nation to have a central repository of activities and programs with minor participants. This allows the Office of Human Resources (OHR) to be able to communicate to groups as applicable policies and laws change. It also serves as a data source for how many activities and programs are occurring, how many minor participate in Ohio State programs, and how many individuals work with minors within the university. Lastly, this will be a resource in scheduling site visits (see accountability FAQ below for more information on site visits).
- 2. How does my college/unit decide on the process to register our “activities and programs with minors?”**
It is up to individual units to decide how to register activities and programs. Some units have decided that one person will be responsible for registering information for all programs in the area, even if there are different program directors. Others have decided that individual program directors will register their own programs. What works best for each area is acceptable as long as all activities and programs are entered into the registration database using the registration tool.
- 3. What information is required to register?**
For activities and programs with specific start and end dates, it is registered as a whole, not for each day or week. If the program is more general, such as high school students interning in a particular area and specific information is not known, register a general program such as “College/Unit Name Internships,” with the whole year as the program dates. The ability to state that exact times and days are not yet known is available. If a third-party organization sponsoring a program for minors is renting a university facility, it does not have to be registered because it is not an Ohio State-sponsored “activity or program with minors.” The registration process is expected to be very brief.
- 4. What if I decide to offer a program next month and I miss the 60 day registration deadline?**
Registration 60 days prior to the start date of the “activity or program with minors” is desired but not required. It is only required that activities and programs are registered before they start. It is not the goal of the policy for the registration requirement to stop activities and programs from occurring.
- 5. I am new to managing a program. How can I access the last program director’s registration entry?**
Contact the youth policy coordinator to change access to a registration entry.



Reporting

1. **How can I help individuals working with minors decide if something is child abuse or not?**

Reinforce training materials at applicable meetings, and ask periodically if anything has been seen or heard that could be concerning. Some program directors put themselves on call at all times to provide consultation for their employees and volunteers prior to making a report. The Youth Policy Coordinator is also available for consultation.

It is important to remember that it is not our job to determine if maltreatment is taking place. It is best to always err on the side of caution for the minor and make a report if there is reason to believe a minor faces a substantial threat of “child abuse or neglect.” Peace officers and children service officials will decide if more action needs to be taken.

2. **What is the exact process we need to follow to report?**

Remember “2 calls and 1 report.”

If “child abuse or neglect” is witnessed or there is imminent danger, the first call is immediately to 911 and the second call is to University Police (even if the reporter is not on Columbus campus). The “report” is the internal incident report due to the Office of Human Resources within one business day.

If there is not imminent danger, the first call is either to Children Services or the local peace officer, the second call is to University Police (even if the reporter is not on Columbus campus), and the internal incident report is due to the Office of Human Resources within one business day. View the [reporting flowchart](#) for complete information.

3. **Which Children Services do I call?**

It depends in which county the “child abuse or neglect” occurred. It is recommended to call 855-O-H-CHILD (855-642-4453), which is a statewide, 24-hour automated directory that will link callers to a child welfare or law enforcement office in that county.

4. **Why do we have to call Ohio State University Police?**

Calling the Ohio State University Police Division ensures that the university is notified of the incident even when activities or programs are not on main campus or when they do not occur during normal business hours. The University Police Division may notify other university offices or departments if appropriate to advise them that an incident has occurred. Let them know that a **Minors Policy** report was filed, with whom, and a brief description of the witnessed or suspected “child abuse or neglect.” They may ask additional questions to obtain additional information from the caller.

In situations where 911 has been called outside OSU jurisdiction, or if “child abuse or neglect” has been witnessed, and/or if the incident involves Ohio State faculty, staff, students, and/or volunteers, call the University Police Division immediately.

5. **Why do we have to file an incident report with the Office of Human Resources?**

If “child abuse or neglect” has been witnessed in an Ohio State activity or program and/or if the incident involves Ohio State personnel, the Office of Human Resources will review the report to determine whether to additional measures need to be taken to address the situation. The [reporting flowchart](#) outlines the process.

The Office of Human Resources will not investigate suspected “child abuse or neglect” at home not involving Ohio State personnel, although an incident report is still required in these instances to document compliance with this policy.

**6. What do I need to know when I make the calls?**

The reporter will likely need general demographic and contact information for the child, as well as any known information related to the witnessed or suspected “child abuse or neglect” to make a report. The reporter has the option of giving his or her name or reporting anonymously. Giving the name can help the investigator clarify information, as well as provide the reporter with updates if desired. If the reporter is not sure there is enough information to report, always err on the side of prioritizing the safety of the child. Children Services screens all reports to determine if there is enough information to investigate.

Background Checks**1. What is the process to obtain a background check?**

Please view the [background check resource guide](#) for instructions on obtaining background checks. This outlines the process for those coming to the Office of Human Resources, other in-state agencies, or out-of-state agencies.

2. Do guests or visitors need to have a background check?

It depends. A background check is not necessary for guests and visitors if they are not left alone with minors in an unsupervised environment. If the individual will spend any time alone with minors or otherwise assume a “care, custody, or control” function, they will need to follow the policy in regards to background checks.

3. Is a third party vendor (i.e First Advantage, the vendor who performs employment background checks at the time of hire for Ohio State staff) background check sufficient for those working with minors?

No. Third party vendor background checks are insufficient. A BCI check or a BCI and FBI check must be completed as specified in the policy.

4. Can a BCI background check completed for another purpose or by another entity be transferred to Ohio State?

It depends. BCI allows individuals to request a copy of their BCI background check if it has been submitted in the past 12 months and the purpose was for working with children, working with the elderly, or certain types of licensing. Individuals meeting this criteria can submit a request with BCI [here](#) and ask for results to be mailed to [Background Checks and Fingerprinting](#). Program directors will need to inform the Background Checks and Fingerprinting area to expect these results so that they know to whom to communicate clearance for work or volunteering. If a BCI check received by the university reveals sealed or expunged records, the person will be required to go through the policy’s background check process, which will allow sealed and expunged records to be viewed to ensure the absence of disqualifying offenses for working with children. Please note that there is not a process for obtaining the results of previously conducted FBI background checks.

5. How can someone obtain a copy of their background check through the Office of Human Resources?

An individual can come to the background check areas during fingerprinting hours with their government issued ID to request a copy of their results. Please note that OHR cannot send results on someone’s behalf, but can only release results to that particular individual. If the individual had a BCI or BCI and FBI background check completed by OHR for a different purpose, OHR can provide clearance for work or volunteering to the program without the individual coming in to obtain a copy of their results.

6. What does “on broader categories” mean, under A1a?

If an “activity or program with minors” would prefer to background check personnel without “care, custody, or control,” they may do so under certain codes. They are not required to do so, but may if they choose.



This process must be approved by the Office of Human Resources' Background Checks and Fingerprinting unit.

7. Do individuals have to disclose any felonies/misdemeanors after hire?

Yes. An employee or volunteer must complete the [Self-Disclosure of Criminal Convictions form](#) within three days of the conviction. This is reflected in the standards of behavior form that all personnel participating in activities and programs with minors must sign.

8. How does a break in service affect self-disclosing and/or background checks?

A break in service is from the last day worked or volunteered, until the first day of the next time that individual works or volunteers. If this time span is less than 12 months, an individual does not need a new background check as long as they self-disclose any convictions that may have occurred during the break in service. When the standards of behavior is signed, the individual agrees to self-disclose but it is always a good idea to remind those working with minors of this requirement before working with minors, especially those with a break in service.

9. What if my activity or program starts before I get results back?

The university must receive background check results, and an individual must be cleared to work with minors before an activity or program starts. If the results are delayed, this individual cannot start working or volunteering until he or she is cleared. If a person does not have "care, custody, or control" responsibilities but a program director chooses to background check them, program directors still need to wait on results before the person can begin working or volunteering. Once the process is initiated, individuals must be cleared before the activity or program start date. BCI's general timeline for this process can take upwards of 6-8 weeks, especially if convictions exist on a record. If checks are requested less than 8 weeks in advance, program directors are taking a risk that results may not be back before the activity or program starts.

10. Who can I contact if I have questions about background checks?

Contact the Office of Human Resources at 614-292-3595 or email hr-backgroundchecks@osu.edu for general questions on background checks.

Training

1. My employees and volunteers hardly interact with minors in my program- they see different groups for only brief periods of time. Do they still have to do the training?

Yes- All faculty, staff, appointees, students, graduate associates, student employees, and/or volunteers working with minors in "activities and programs with minors" need to be trained. However, for those individuals without "care, custody, or control" of minors, they can take the training that is labeled as such. See policy resources.

2. What options do I have instead of an online training?

Contact the Youth Policy Coordinator for in-person training options.

3. How long does the online training last?

The online training lasts 30-45 minutes on average.

4. Can a non-Ohio State affiliate take the online training?

Yes. Details to come.



Standards of Behavior

11. Can this be signed electronically?

Yes, the Standards of Behavior and non-care, custody, or control training can both be signed electronically through DocuSign. See the [DocuSign resource guide](#) if assistance is needed.

12. Everyone must sign standards of behavior- even guest speakers?

If guest speakers are not unsupervised with the minors, they are not within scope of the policy. If they are left unsupervised with minors or otherwise assume “care, custody, or control” responsibilities, they must be treated like any other personnel with “care, custody, or control” in the “activity or program with minors.”

13. What if “the neighbor’s kid” wants to work with me in my lab this summer?

“One-on-one interactions” are prohibited unless authorized by the dean/vice president or designee. Approved “one-on-one interactions” may only take place in open, well-illuminated spaces or rooms observable by other adults from the “activity or program with minors.” If internship interactions take place in labs that other people can access or observe, other people are in and out of the lab, or are otherwise in a public space, unit leadership can approve this and the intern can participate in public “one-on-one interactions.” This also includes office spaces- doors can remain open, windows are observable, and interactions should occur during normal hours of operation when others are typically in close proximity.

If the dean/vice president or designee determines that meeting in this manner is not practical and approves other arrangements, an [Exemption Request form](#) must be submitted.

14. Does the ban on “one-on-one interactions” include electronic interactions?

No. However, it is considered best practice to include other program personnel on electronic interactions so that individuals can help ensure that electronic interactions are not misinterpreted.

15. If a ban on “one-on-one interactions” is not possible, the first step is for program leadership to approve interactions taking place in open, well-illuminated spaces or rooms observable by other adults. What does this process entail and what are some examples of how to make this work?

A dean or vice president supporting “one-on-one interactions” fitting this description does not have to involve OHR. Unit leadership in the area can determine how best to make these approvals work. For example, units could use an application form, email approval, or an approval meeting to obtain the proper support. As long as the appropriate leader is generally aware and supportive of the appropriate arrangement, the policy’s leadership approval requirement is satisfied.

For example, the coordinator of an internship program may decide that it is possible to hold these interactions in open labs that are observable to the public or other department personnel. The coordinator may decide with leadership to hold an annual meeting to review all internships that are planned to take place, what location they will take place in, and who will be hosting. At that point, the leadership representative can approve the interactions for the year since they are being held in spaces open to the public, and not in private spaces. If private spaces are needed, an exemption must be requested (see exemption process section of policy).

Accountability

1. What are site visits?

Site visits are an opportunity for OHR to provide assistance to activities and programs in understanding and complying with the policy. The intent is to help activities and programs develop processes to comply with the policy and to answer interpretation questions, not to issue audit findings or inhibit activities and programs. The Youth Policy Coordinator or representative will contact program directors in advance to set up the site visit and will indicate what paperwork will be reviewed. There will be a soft roll-out to site visits,



which will not begin until the policy has been in effect for one year. Before the process begins, the complete site visit checklist will be in the resources section of the policy.

2. How often will site visits occur?

This will depend on the number and types of activities and programs occurring during any particular timespan, as well as resource availability.

3. What if my program is not in compliance?

Each case will be handled individually, but a plan will be put in place, with input from the program director, on how to get the activity or program within compliance.

Exemption Process

1. Why is there an exemption process?

Ohio State serves about 500,000 minors in any given year, with over 600 activities and programs taking place on an annual basis. With such a diverse range of programming available, it stands to reason that certain policy requirements may not work well for certain activities and programs. The exemption process allows college and unit leadership to propose alternative requirements or processes tailored to the needs of specific activities and programs. The Minors Policy Governance committee will then review, modify if needed, and approve or deny requests.

2. What types of things will be considered to be approved?

Due to the diversity of programming at Ohio State, there cannot be a simple checklist of situations that would be approved. The important thing to keep in mind when asking for an exemption is the safety of the minors in the activity or program. What will be done to promote the safety of minors in lieu of the requirement from which an exemption is requested? The Minors Policy Governance committee will review to determine whether the activity or program will employ appropriate measures to promote the safety of minors in lieu of the policy requirement.

3. From which policy provisions can I request an exemption?

“Activities and programs with minors” may ask for exemption from any part of the policy. It is unlikely that background check exemptions will be approved due to legal requirements. Every situation and request is different and will be reviewed in light of its unique circumstances.

Responsibilities

1. What exactly is the employing or volunteer sponsoring unit and who keeps paperwork?

It is up to each unit (college or department) to decide at what level paperwork needs to be maintained. Some colleges choose to maintain documents at the college level, while other colleges choose to maintain documentation at the department or program level. Activity and program directors should work with their HR representative to figure out who is best positioned to be responsible for maintaining relevant documentation.

2. Where are forms supposed to be kept and for how long?

It depends on the form. Please see the [University Records Retention Schedule](#) for guidance.

Resources

1. What is a Statement of Nonconviction?

A Statement of Nonconviction is a form that must be signed by personnel in programs that are registered with Ohio Jobs and Family Services. If a program or individual is not sure if this needs to be signed, contact Ohio Department of Jobs and Family Services at 1-866-886-3537.



Contacts

1. Who is the Youth Policy Coordinator and how do I contact this person?

Lindsay Meyer Bond is the current Youth Policy Coordinator and she can be reached via email at bond.217@osu.edu or phone at 292-2800.

2. Who is the Minors Policy Governance Committee and how do I contact them?

The Minors Policy Governance Committee is comprised of individuals from Athletics, Compliance and Integrity, Human Resources, Legal Affairs, Risk Management and Insurance, Student Life, University Extension, Wexner Medical Center, as well as various faculty representation. Individuals can contact the Youth Policy Coordinator at bond.217@osu.edu or 292-2800 if it is desired to bring an item to the attention of the committee.