

University of Nebraska at Omaha

Youth Activity Safety Policy

Overview

The University of Nebraska at Omaha (UNO) has a strong interest in protecting the safety of youth on our campus; therefore, the campus is implementing a *Youth Activity Safety Policy* in order to provide a safe, educational and enjoyable activity/program experience for all participants. This policy provides minimum specific guidelines for activities sponsored by UNO and for activities sponsored by other organizations, but held on UNO's campus. Except as noted herein, UNO units may, on their own adopt procedures that are stricter than those listed in this document. If youth activities cannot meet these guidelines, prior written approval from the UNO Vice Chancellor for Business and Finance is needed before such activities may be held on the UNO campus. UNO reserves the right to discontinue an activity if found to be in violation of this policies.

Definitions

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

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

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

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

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

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

Youth – Any person under the age of 19 excluding full- and part-time UNO students.

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

All Youth Activity Directors and Sponsoring Organizations are responsible for the safety of the workers and participants for the duration of the Youth Activity. They are responsible for the behavior of the Activity Workers and Non UNO Activity Support Staff and adherence by those involved to this policy and all other applicable University policies. Youth Activity Directors and Sponsoring Organizations using UNO facilities or property for Youth Activities must meet the following requirements.

1. All Youth Activities held at UNO must comply with this *Youth Activity Safety Policy* or receive a waiver from the policy. All Sponsoring Organizations must comply with this policy or seek a waiver from the policy by providing

alternative guidelines to UNO that are approved in writing by the UNO Vice Chancellor for Business and Finance..

2. All Youth Activities must comply with University policies, including weapons, drug and alcohol policies. These policies can be found at: <http://www.unomaha.edu/polices/>.
3. All Activity Contracts must be approved by UNO's Vice Chancellor for Business and Finance.
4. It is the responsibility of the Activity Director to ensure all Activity Workers have received a copy (electronic or paper) of the Activity Worker Guidelines. Revisions to this form are not allowed. In addition, the Activity Director must ensure that all Parents/Guardians receive a *Parent/Guardian Information Form*.
5. Activity Directors, Workers and Activity Support Staff must successfully pass a Sex Offender Registry Check. No Activity Worker or Activity Support Staff can be listed on any Sex Offender Registry. Sex Offender Registry Checks must be conducted at least annually. The Sponsoring Organization is responsible for ensuring the checks are completed. Activity Directors must maintain an updated list of Activity Workers and Activity Support Staff noting the date that the Sex Offender Registry Checks were completed. The sex offender registry checks are free at the following links:

The Nebraska Sex Offender Registry website: <http://www.sor.nebraska.gov>

The National Sex Offender Public website: <http://www.nsopw.gov>

6. All Youth Activities must have or arrange for access to individuals that are certified in Adult & Youth CPR and First Aid within reasonable proximity to the Youth Activity in case of an emergency. Individuals may be on staff such as trainers, nurses, or trained staff or Youth Activities may arrange for pre-determined access to medical facilities such as UNO's Health Center, or other area clinics, or hospitals. In the case of an emergency or accident involving youth, parents/guardians will be notified, following notification of the appropriate emergency personnel.
7. Non-UNO Sponsoring Organizations will be required to have general liability coverage in the amount of \$1,000,000 per occurrence and \$3,000,000 aggregate that names the Board of Regents of the University of Nebraska as an additional insured. If a Youth Activity is an athletic activity, the general liability coverage must include participant liability in the amount of \$1,000,000. Certificates of insurance must be sent to Ginnie Borowicz, EAB 209 for review at least 30 days prior to the start of the Youth Activity. A non-UNO Sponsoring Organization's Youth Activity may not begin without certificate of insurance approval by the UNO Risk Management Director.
8. All Youth Activity materials and publications must prominently note the name, address, and phone number of the Sponsoring Organization. The Youth Activity address may be a UNO address for purposes of receiving activity registrations and materials.

Activity Worker and Activity Support Staff Eligibility¹

As this policy makes clear, UNO is committed to providing a safe and secure environment for youth on the UNO campus. Accordingly every Sponsoring Organization hosting a Youth Activity is responsible for ensuring that an Activity Director, Worker or Activity Support Staff does not have a criminal background that would disqualify the individual from participating in the Youth Activity. Options may include a question on an activity application or a criminal history background check.

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

It is expected that all Sponsoring Organizations will comply with the guidance from the U.S. Equal Employment Opportunity Commission regarding consideration of conviction records in hiring² and that all UNO Sponsoring Organizations will comply with Neb. Rev. Stat. § 48-202.³ The following convictions generally will render an Activity Worker or Activity Support Staff ineligible to participate in Youth Activities.

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

Other convictions, such as misdemeanor assault, drug distribution activity, felony drug possession and any other felony or crime involving moral turpitude May also render and Activity Worker or Activity Support Staff ineligible to participate in Youth Activities. UNO Administration reserves the right to deny any Activity Director, Worker or Activity Support Staff participation in the Youth Activity should the Administration, in its sole discretion, determine that the Activity Director, Worker or Activity Support Staff has engaged in behavior that disqualifies the individual from participating in the Youth Activity.

Vehicle Travel

1. Any Activity Worker employed by UNO who will be responsible for transporting youth by vehicle must undergo and pass a Driving Record Check as required by the UNO Transportation Safety policy. Non-UNO Activity Workers who transport youth must have a valid driver's license and be approved by the Activity Director to transport youth.
2. Activity Workers should avoid any one-on-one transportation of youth.
3. If one-on-one travel must occur, the Activity Worker is encouraged to contact his/her supervisor or designee immediately before departure and immediately upon arrival at the destination.

Activity Worker/Youth Interaction

1. A ratio of at least one adult supervisor to every 15 youth is required, with a minimum of two adult supervisors regardless of size of activity. At least one adult supervisor of the same sex as the youth is required.
2. When in bathrooms or locker rooms, Activity Workers must be the same gender as the youth. Activity Workers showering or bathing with youths is strictly prohibited under all circumstances. Activity Workers and Activity Support Staff will not be in the shower or bath areas with youth except during extreme medical emergencies.
3. Youths will not be unsupervised in the residence halls at night.
4. Taking pictures of youth or posting pictures or information about youth to social media sites without parent/guardian permission is prohibited.
5. Use of an Activity Worker's personal room, office or home for interacting/meeting alone with youth that are affiliated with the Youth Activity is prohibited. Activity Workers are prohibited from meeting youth off-site or off hours. Exceptions require parent/guardian written approval and the Activity Director's approval in advance.

²Under EEOC guidance, in making hiring decisions, employers must consider the nature and gravity of the offense or conduct, the time that has passed since the offense or conduct and/or completion of the sentence, and the nature or the job held or sought. If a determination is made that an individual should not be hired due to a conviction, the individual must be given an opportunity to provide additional information. Sponsoring Organizations must also comply with the Fair Credit Reporting Act (FCRA), if applicable.

³ Section 48-202 states that a public employer generally must determine whether an applicant meets minimum employment qualifications before asking the applicant to disclose information concerning the applicant's criminal history.

6. All youths must have adult supervision until released to a parent or guardian, unless specific written parent/permission is received.

Reporting Requirements for Child Abuse and Neglect, Including Sexual Assault

Nebraska statutes require any person who suspects or is aware of any child abuse or neglect, including sexual assault, to report such abuse, neglect, or assault to law enforcement or the Department of Health and Human Services (DHHS). Law enforcement is likewise required to notify DHHS of any such incidents reported to them. All Activity Directors, Activity Workers, and Activity Support Staff are required to notify the Campus Security Department at 402-554-2648 immediately when these situations are suspected.

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

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

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

Reference: Nebraska Revised Statutes 28-710; 28-711; 28-716; 28-717:

Nebraska Revised Statute 28-710- (b): Child abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:

- i. Placed in a situation that endangers his or her life or physical or mental health
- ii. Cruelly confined or cruelly punished;
- iii. Deprived of necessary food, clothing, shelter, or care;
- iv. Left unattended in a motor vehicle if such minor child is six years of age or younger;
- v. Sexually abused; or
- vi. Sexually exploited by allowing , encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.

Nebraska Revised Statute 28-711- (Summary): (1) When any physician, medical institution, nurse, school employee, social workers, or any other person has reasonable cause to believe that a youth has been subjected to abuse or neglect or observes such youth being subjected to conditions or circumstances which reasonably would result in abuse or neglect, he or she shall report such incident or cause a report to be made to the proper local law enforcement agency, the local Department of Health and Human Services or by calling the statewide hotline number at 1-800-652-1999.

Nebraska Revised Statute 28-716 – (Summary): Persons participating in an investigation or making a report of youth abuse or neglect shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements.

Nebraska Revised Statute 28-717 – (Summary): Any person who willfully fails to make any report required by the law shall be guilty of a Class III misdemeanor.

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Youth Activity Safety Policy: **Activity Worker Guidelines**

(Activity Directors: Provide one copy of this document to Activity Worker)

The following guidelines were developed to avoid questionable contact between Activity Workers and youth participants. The preferred method is to avoid private one-on-one interactions and always have another adult observer present during all interactions with youth. This will provide greater protection to the youth and the Activity Workers.

Definitions

Youth – Any person under the age of 19, excluding full- and part-time UNO students

Activity Worker – includes directors, coaches, assistant coaches, trainers, student assistants, staff, faculty, officials, referees or contracted teachers or any other adult or student acting as a supervisor/mentor/worker in a paid, unpaid or volunteer status.

Activity Director – a person who plans, directs and supervises all youth activity programs and staff

Activity Support Staff – any person who provides support services such as food service, custodial, maintenance, etc. for the activity.

Activity Worker Judgment

Activity Workers are role models to the youth and should act accordingly. As an Activity Worker, you must ask yourself the following questions regarding your decisions and the situations in which you may find yourself. Contact the Activity Director if you have questions or concerns.

- a. What are the physical risks involved in this activity/decision?
- b. Are there any foreseeable risks? What dangers can be avoided?
- c. How will youth benefit from this activity and how is it related to the purpose of the activity?
- d. What would I do if the youth or their parents were watching?
- e. What would I do if the Activity Director was watching?
- f. Could my action/decision cost me my job?

Interaction Guidelines

The primary interaction guidelines are provided below and are to be followed by all Activity Workers.

1. Immediately report any suspected abuse and neglect (including sexual assault or contact) of a youth to UNO Campus Security (402-554-2911), local law enforcement or the Nebraska Department of Health and Human Services.
2. UNO reserves the right to suspend an Activity Worker or Activity Support Staff worker from youth Activities for engaging in illegal activities or sexual misconduct while off duty.
3. Alcohol or tobacco products should not be used in the presence of youth and any use must comply with University policies. Use of illegal drugs or non-over the counter drugs without a prescription is prohibited. Activity Workers and Activity Support Staff should not conduct any activity under the influence of alcohol or other mind altering substances.
4. Use of profanity in front of youth is prohibited.
5. Avoid making inappropriate comments when in the presence of youth(s), including but not limited to comments that are sexual, racial, or related to sexual or gender orientation, and/or religious comments.

6. A youth requiring medical attention is to be directed to the activity's designated first-aid contact immediately.
7. Always have youth follow safety directives (i.e. fire alarm - evacuation, severe weather, etc.)
8. The possession of weapons or explosive devices is prohibited, except where use is a recognized part of the Youth Activity, as determined solely within UNO's discretion.
9. Use of an Activity Worker's or Activity Support Staff's personal room or home for meeting/interacting with youth that are affiliated with the Youth Activity is prohibited. Activity Workers and Activity Support Staff are prohibited from meeting youth off-site or off hours. Exceptions require parental written approval and the Activity Director's approval in advance.
10. Any participating UNO Activity Workers who will be responsible for transporting youth by vehicle must undergo and pass a Driving Record Check as required by the UNO Large Passenger Van Policy. Non-UNO Activity Workers who transport youth must have a valid driver's license and be approved by the Activity Director to transport youth. If one-on-one travel must occur, the Activity Worker must contact his/her supervisor or designee immediately before departure and immediately upon arrival at the destination.
11. Taking pictures of youth or posting pictures or information about youth to social media sites without parent/guardian permission is prohibited.

Interactions with Youth

1. Respect the privacy of youth.
2. Supervise in pairs whenever possible; avoid being alone with a youth.
3. Never leave youth unsupervised.
4. All physical contact should be appropriate (i.e. high fives, fist bumps). Activity Workers should not engage in, initiate, or encourage inappropriate contact, such as chest bumps, kisses, hugs, butt slaps or sitting on laps.
5. Sexual touching or related activity is prohibited.
6. Physical restraint is prohibited, except to protect youth.
7. Any touching of youth should be restricted to areas not covered by a typical bathing suit.
8. Always be in view of others (i.e. when meeting in an office), leave the door open, and have another Activity Worker present in the room or close proximity. If privacy is required, inform another Activity Worker that the door will be closed for a private conversation and make sure the other Activity Worker will remain nearby in the area. If no other Activity Worker is present in the building, the meeting should be rescheduled or moved to a more public location.
9. When in bathrooms or locker rooms, Activity Workers must be the same gender as the youth. Activity Workers showering or bathing with youth is strictly prohibited under all circumstances. Activity Workers will not be in the shower or bath areas with youth except during extreme medical emergencies.
10. Whenever possible, youth should not be transported in an Activity Workers' personal vehicle.
11. All youth must have adult supervision until released to a parent or guardian, unless specific written parental permission is received.
12. Do not share personal or intimate information with youth.
13. Do not give personal gifts to youth.

Overnight Activities/Programs

In addition to the above, the following are further precautions related to youth who stay in campus/other housing overnight.

1. A ratio of at least one adult supervisor to every 15 youths is required, with a minimum of two adult supervisors regardless of size of activity. At least one adult supervisor of the same sex as the youth is required.
2. Activity Worker(s) are not allowed to have individual youth their private rooms.
3. Do not enter a bathroom or shower area to assist a youth without another Activity Worker present.
4. Never leave youth unsupervised in the residence halls at night.

Child Abuse and Neglect Including Sexual Assault Reporting Requirements

Nebraska statutes require any person who becomes aware of any child abuse or neglect, including sexual assault, to report such abuse, neglect, or assault to law enforcement or the Department of Health and Human Services. Law enforcement is likewise required to notify DHHS of any such incidents reported to them. Activity Workers are required to notify the Campus Security Department at 402-554-2648 immediately when these situations are suspected.

This means that if you suspect any child abuse or neglect, including sexual assault:

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

Reference: Nebraska Statutes 28-710; 28-711; 28-716; 28-717:

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Youth Activity Safety Policy: **Parent/Guardian Information Form**

Name of Youth Activity: _____

Date(s) of Youth Activity: _____

(Activities may elect to use their own form for providing information to parents and guardians provided it includes, at a minimum, the information listed below)

(Activity Directors: Provide one copy to Parent/Guardian and retain one signed copy for two years.)

The University of Nebraska at Omaha has implemented a Youth Activity Safety Policy to provide a safe environment for youths participating in activities, clinics or conferences.

Our policy includes safe interaction guidelines including sex offender registry checks for Activity Workers. This policy will help to protect youth from potential misconduct incidents and provide a safe, educational and enjoyable activity/program experience. Key provisions of this policy include:

1. All Activity Workers must successfully pass a sex offender registry search for Nebraska and the state(s) they reside.
2. All Activity Workers driving activity vehicles must successfully pass a Driving Record Check.
3. In the case of an emergency or accident involving your youth, parents/guardians will be notified, following notification of the appropriate emergency personnel.
4. All UNO activities will comply with UNO's *Youth Activity Safety Policy and Activity Worker Guidelines*.
5. As parent(s) or legal guardian(s) you give permission to this activity to use photos of your child in promotional media, unless specifically restricted by checking this box and initialing : _____
Initials
6. The Activity Directors of University-sponsored Youth Activities reserve the right to immediately dismiss any youth from the Youth Activity for disruptive or endangering behavior. Dismissed youth will be sent home at their expense and will be responsible for all other expenses associated with their dismissal. Parent(s)/guardian(s) will be immediately notified of a youth's dismissal.

Parent or Guardian's Printed Name

Signature

Phone Number

Date

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Youth Activity Safety Policy: FAQ's

Q: What is an activities contract?

A: An activities contract is a legal document between a non-UNO entity and UNO for the purposes of using UNO facilities for a camp/activity.

Q: Who needs to do an activities contract?

A: Any non-UNO entity wanting to use UNO facilities for a camp or activity for youth.

Q: Can activities use their own parental permission form?

A: Yes-the form in the policy is a sample for considering; however camps may use their own form or incorporate it into existing forms.

Q: What should happen if a child shows up the first day of the activity and doesn't have all of the forms complete?

A: The activity should have a process where each child must sign in on the first day with a parent or guardian and the required forms are signed.

Q: What determines UNO sponsorship of an activity?

A: When UNO resources (financial) are used to help with the activity.

Q: Do volunteers have to go through a sex offender check?

A: Yes.

Q: Who do I speak with if I have questions about insurance coverage?

A: Ginnie Borowicz, EAB 209 at 402-554-2322.

Q: Who can I contact if I have a question about employee sex offender registry checks?

A: Paul Kosel, Mgr. of Campus Security (402-554-2648), Charlotte Russell Assistant to the Chancellor (402 554-3490)

Q: I need help checking driver's records. Who can I contact?

A: Remember driver record checks only apply to UNO employees. If you need help, contact Tyler Davis, Safety Officer at 402-554-2239.

Q: Does a UNO sponsored Youth Activity require insurance coverage?

A: No, all UNO sponsored activities are covered through University of Nebraska Insurance policies.

Q: If I am a non-UNO sponsoring organization, am I required to have insurance coverage?

A: Yes, general liability limits of \$1,000,000 per occurrence /\$3,000,000 aggregate are required.

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Youth Activity Safety Policy: Checklist for Activity Directors

	YES	NO
1. I have Read the Youth Activity Safety Policy.		
2. Each activity workers has a copy of the Activity Worker Guidelines.		
3. All parental forms are signed.		
4. Each activity worker (including volunteers) has been checked and has no history on the Sex Offender Registry.		
5. Driving records of anyone transporting youth have been reviewed and approved. (UNO Only)		
6. Do I have established written behavioral expectations of participants?		
7. Am I familiar with the statutes on reporting child abuse or neglect?		
8. Have I arranged for first aid for participants?		
9. If the activity involves an overnight stay, do I have the appropriate number of workers?		
10. All forms have been completed and are in my possession?		
11. Do I have my certificate of liability insurance approved by UNO at least 30 days in advance of the Youth Activity? (Non-UNO Youth Activities only)		
12. The contract is signed by the UNO Business and Finance Office prior to the start date of the activity.		