

# **Memorandum from Policy Facilitation Team**

**To:** VP Katherine Kantardjoeff  
**Subject:** Policy for final Presidential approval  
**From:** Policy Facilitation Team  
**Date:** April 6, 2023  
**Policy:** Youth Protection

The PFT has completed campus vetting for the new Youth Protection Policy and recommends it for Presidential review and approval. Please confirm your support for the approval of this revised policy by signing below.

*Katherine Kantardjoeff*  
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Katherine Kantardjoeff, Provost

04/11/2023  
\_\_\_\_\_  
Date



# California State University Monterey Bay

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## Youth Protection Policy

### 1.00 Purpose

This policy and its companion document, *The Youth Protection Procedures Manual*, sets forth rules and guidelines for the supervision of minors who participate in any program or activity that is sponsored by and/or that utilizes space or facilities owned or operated by CSU Monterey Bay and its auxiliaries. These rules and guidelines have been designed to ensure a safe and secure environment for minors, to protect the integrity of CSUMB programs, and to reinforce the University's commitment to the safety and well-being of the community in which all members live, work, and learn.

This policy is consistent with Cal. Government Code sections [13403](#) and [13404](#), the State Leadership and Accountability Act, Community Recreation Programs, [Cal. Penal Code section 11165.7](#), Child Abuse Neglect Reporting Act, [EO 1083](#)<sup>1</sup>, Mandatory Reporting of Child Abuse and Neglect.

This policy is deemed to be consistent with the University's commitment to the principles, goals, and ideals described in the [CSUMB Founding Vision Statement](#) and to its core values.

### 2.00 Scope

This policy applies to all programs or activities that are sponsored by CSU Monterey Bay and/or its Auxiliaries as well as any programs or activities that utilize facilities of CSU Monterey Bay and/or its Auxiliaries.

Matriculated minor/youth students including those who are participating in CSUMB International Programs Language and Culture Program (ALCP) are not addressed by this policy.

In addition, this policy does not apply to events in which parents/guardians or affiliated program leaders (e.g., teachers/volunteers from preK-12 schools) are invited, expected, and/or explicitly required to provide supervision of minors in their care, custody or control.

### 3.00 Definitions

For the purposes of this policy and for the *Youth Protection Procedures Manual*, the following terms are defined as follows:

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<sup>1</sup> All referenced CSU policies are subject to being revised as required by CSU policy; references in footnotes are to the most current at the time of this updated policy.

## **Child Abuse or Neglect<sup>2</sup>**

Refers to physical injury or death inflicted by other than accidental means on a child; sexual assault or sexual exploitation of a child including sexual intercourse between a child under 16 years of age and a person 21 years of age or older, lewd or lascivious acts, and child molestation; negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare; willful harming, injuring, or endangering a child; and unlawful corporal punishment.

## **Access**

Is defined as the ability to approach or enter a space in which minor(s) are present.

## **Authorized Adult**

Individuals, 18 years or older, paid, or unpaid, who interact with, supervise, chaperone, lead, assist, or otherwise oversee youth in any and all programs and activities, and/or staying at a CSUMB residential facility. This includes but is not limited to faculty, staff, volunteers/Person of Interest (PoI), graduate and undergraduate students, interns, coaches, instructors, employees of temporary employment agencies, and independent contractors/consultants. Authorized Adults are considered mandated reporters as defined by California law, and further below in this section.

Authorized Adults who interact with, and have access to minors are further classified in this policy as having **high or low contact**:

1. **Authorized Adults with high contact** to minors include any individuals who:
  - are involved with the care, supervision, guidance or control of youth; or,
  - have routine interaction with youth; or,
  - work with or around youth on more than one program; or,
  - work with or around youth on a program that meets regularly or involves multiple interactions; or,
  - have the potential for unsupervised access with one youth; or,
  - are responsible for supervising youth; or,
  - are consistent and regular volunteers for programs involving youth; or,
  - interact with youth on a frequent basis.

Examples of individuals with high contact to minors may include, but not be limited to: instructors, mentors, tutors, coaches, and their assistants; camp counselors; campus tour guides; on campus service learners; student assistants, individuals who provide community services to minors in a home setting; those who regularly engage in volunteer opportunities that involve minors; individuals who transport minors (on campus or on field trips); and/or those who supervise overnight programs (on or off campus).

2. **Authorized Adults with low contact** to minors may include any full or part-time individuals who:
  - work with or around youth for a one-time program (but not programs that meet regularly or involve multiple interactions); or,
  - are always supervised by another adult when interacting with youth; or,

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<sup>2</sup> As defined in CSU [Executive Order 1083](#)

- are not responsible for supervising youth.

Examples of individuals with low contact with minors may include, but not be limited to individuals who work solely with or around other adults and no minors; one-time volunteers; and/or, a one-time campus tour guide who remains with a group (i.e., more than 3 or more individuals) at all times.

### **Auxiliary**

A self-supporting entity that exists principally to furnish goods or services to students, alumni, or faculty and staff acting in a personal capacity, and charges a fee for the delivery of goods or services.

### **Background/Criminal Records Check**

Submission of fingerprints to the California Department of Justice (DOJ) is required for any employee or volunteer/PoI who will supervise and/or discipline minor children at a program operated by the University and Auxiliaries<sup>3</sup>. Third-party providers must certify that their employees have successfully completed a Live Scan fingerprint background check in accordance with CSU Background Check Policy<sup>4</sup>.

### **Camp, Summer Programs, and/or Clinic**

Includes any type of camp and/or clinic in which minor children participate and which is operated by the University and/or its Auxiliaries. Also included are camps and/or clinics in which minor children participate that are not run by the University but by a third party using the University and/or any of its Auxiliaries' facilities. See also "Third Party."

### **Care, Custody, and Control**

Refers to the primary responsibility an individual has for the supervision of a youth at any given point throughout the activity or youth program.

### **Direct Contact**

Anytime an Authorized Adult has the possibility of providing care, custody, and control of youth and/or routine interaction with youth

### **Facilities**

Any building or space owned by, leased to, or under the direct control and supervision of California State University Monterey Bay and/or any of its Auxiliaries.

### **Mandated Reporter**

All employees and volunteers involved in youth activities shall abide by California State law and University Policy<sup>5</sup> for reporting requirements as they pertain to Suspected Child Abuse or Neglect.

### **Minor/Youth/Child**

The terms "minor", "youth" and "child" are used interchangeably and are utilized throughout this policy and the Manual; they represent any person less than 18 years of age who is not a matriculated student.

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<sup>3</sup> In accordance with Cal. Education Code section 10911.5 ([EDC 10911.5](#)) and CSU [Background Check Policy](#)

<sup>4</sup> [CSU Technical Letter HR 2017-17](#)

<sup>5</sup> Mandated Reporting of Child Abuse and Neglect CSU [EO 1083](#)

**One-On-One Contact/Interaction**

Any intentional unsupervised interaction where an Authorized Adult is alone with a youth and/or when one minor is present with another minor or without a 3rd person present.

**Persons of Interest (PoI)**

Is a non-employee affiliate of California State University Monterey Bay (CSUMB).

**Program/Youth Activity**

An activity or event conducted or organized by the University, Auxiliary, or Third Party that includes youth during which the University, Auxiliary or Third Party assumes the responsibility for the care, custody and control of youth participants.

For the purpose of this Policy, "Program or Youth Activity" does not include:

1. activities or events in which parents, guardians, affiliated program leaders (e.g. school teacher, counselor) are responsible for the care, custody, and control of youth participants; or,
2. private, personal events (e.g., birthday parties, weddings) that occur at University facilities; or,
3. events open to the general public (e.g., intercollegiate athletic events, concerts).

**Co-sponsored Program/Youth Activity**

A Co-sponsored program/youth activity is a partnership between the University and a Third Party.

**Program Sponsor**

The Program Sponsor is the appropriate University administrator (e.g., Dean, Associate/Assistant Vice President, or Manager) or Third Party responsible for authorizing the Program and ensuring the Program follows the criteria set forth in these guidelines. The Program Sponsor shall be identified as the primary contact for Program information.

- A Program Sponsor must be pre-designated for any program.
- A Program Sponsor may delegate the management of certain components of a Youth Activity to a Program Director. The delegation is limited to the general oversight, day-to-day planning, coordination, and implementation of the Program and its essential components and does not alleviate the Program Sponsor from shared liability and responsibility for applying these guidelines to their program.

**Program Director**

The Program Director (e.g., Faculty, Director) provides general oversight of the program and manages day-to-day planning, coordination, and implementation of the program and its essential components, as delegated by the Program Sponsor.

**Sponsoring Department/Division**

The academic or administrative unit of the University which offers a program or gives approval for housing or use of other resources and facilities pursuant to the University's Facility Use policy.

**Third Party**

A third party is an off-campus person or entity who has contracted to utilize CSUMB resources/facilities in order to operate a program/youth activity, with no direct affiliation with the University.

## **University**

California State University, Monterey Bay.

## **Volunteer**

Any person who, of his own free will, provides goods or services, without any financial gain, to any state agency<sup>6</sup>; and may include individuals currently employed by the University in bargaining unit positions, any of its auxiliary units who volunteer to work in programs with minors, Persons of Interests (PoI) who are not employed by the University and volunteer to work at a program with minors on campus, and CSUMB Service-Learning students.

## **Youth Protection Procedures Manual**

A step by step process and instruction guide to ensure that EO and protocols are being followed. Links to required support documents and resources are also provided within the manual.

### **3.00 Protection of Youth**

*The [Youth Protection Procedures Manual](#) (hereafter, the Manual) provides procedures necessary to ensure the appropriate supervision of minors who participate in programs/youth activities sponsored by CSUMB and/or its auxiliaries as well as in programs/youth activities that utilize resources or facilities of CSUMB and/or its auxiliaries. All procedures in the Manual shall be strictly adhered to. Failure to comply with this policy or the Manual may result in termination of the program/youth activity and/or of any contractual agreement(s) with CSUMB and/or its auxiliaries for the use of University/Auxiliary resources or facilities.*

### **3.10 Compliance**

Environmental Health, Safety, and Risk Management (hereafter, Risk Management) is responsible for the administrative oversight of the Youth Protection Program. Departments sponsoring a youth program, to include Third-Party programs, shall demonstrate compliance by developing a program handbook that aligns with this policy and the [Manual](#) and distributing it to participants, their parents/legal guardians, and the Youth Protection Officer in Risk Management. Each Program Sponsor must register with Risk Management and complete the [program registration form](#) and all required documents.

### **3.20 Background Checks**

All positions with direct contact with minor children at a program operated by the CSU shall undergo background checks conducted in accordance with CSU Background Check Policy<sup>7</sup>.

In an effort to provide the safest possible environment for minor children, the CSU will conduct a background check, including a criminal record check and sexual offender registry check, for all CSU employees, volunteers, and consultants who perform work involving direct contact with minor children at CSU-hosted recreational camps that are operated by the CSU or on CSU property, a CSU auxiliary, or by an outside entity. The term “recreational” includes, but is not limited to, sports, dance, academic, and other recreational camps or clinics for minor children hosted by the CSU. As part of the agreement to operate on CSU property or under the CSU name, outside entities are responsible for ensuring that the

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<sup>6</sup> Cal. Gov’t Code § 3111(a)

<sup>7</sup> Per Education Code §10911.5 and CSU Technical Letter [HR 2017-17](#)

appropriate background checks are completed for its volunteers and employees. The CSU may provide background check services for a fee; otherwise, these volunteers and consultants must provide confirmation of completed and cleared background checks.

### **3.30 Third Party Programs and/or Facility Rentals**

Any third party who utilizes CSUMB facilities must comply with federal, state, local, and CSUMB policies and guidelines concerning Youth Protection.

## **4.00 Training**

Adults should serve as positive role models for youth, and act in a caring, honest, respectful, and responsible manner that is consistent with the mission and Founding Vision statement of the University. To help ensure that the behavior of all Authorized Adults providing services to youth reflects this ideal, all Authorized Adults shall complete University-approved child abuse prevention and mandatory reporting training courses annually, in consultation with the Youth Protection Officer in Risk Management. Third parties must certify that their employees have successfully completed child abuse prevention training at their own expense.

Program Sponsors shall notify program directors and other staff and volunteers of applicable program rules, including the conduct expectations outlined in the Manual.

Failure to assign or to satisfactorily complete training will result in termination of the Authorized Adult's ability to participate in the program/youth activity, and/or in termination of the program/youth activity, and/or termination of the contract to utilize University resources and/or facilities.

### **4.10 Concussion Awareness**

Following a risk assessment, programs that operate a youth physical activity shall comply with the requirements of the [University concussion protocols](#) and follow return to play/return to work guidelines.

## **5.00 Transportation of Youth**

Any program/youth activity that involves transportation of youth as part of the program activity shall comply with the guidelines outlined in the Manual. Additional documentation includes, but may not be limited to the following:

- Registration Form
- General Release of Liability with photo release (media release)
- Medical Treatment Authorization
- Pick-up/Drop Off/Commuter Form
- Authorized Visitor Form
- Authorized Driver Checklist Form

## **6.00 Recognizing, Responding, and Reporting Abuse**

The University maintains zero tolerance for Child Abuse and Neglect. As such, it is imperative that every person actively participates in the protection of youth, and to remain alert and steadfast in the safeguarding of youth on and off campus.

Every member of the university community shall respond to, and internally notify the University of violations of this policy including inappropriate or suspicious behaviors that may not rise to the level of Child Abuse and Neglect, minor-to-minor sexualized behavior, assault, exploitation, intercourse, or misconduct with or amongst minors, and suspected Child Abuse and Neglect. Notifications to the University shall be made to a supervisor or an administrator as described in the Youth Protection Procedures Manual in accordance with CSU mandated reporting policy<sup>8</sup>.

## **7.00 Investigation and Resolution**

Where applicable, programs with youth are subject to the University's Title IX, discrimination, harassment, and retaliation [investigation and resolution procedures](#) in accordance with CSU Executive Orders [1083](#), [1096](#) and [1097](#). The safety and well-being of the minor is the key consideration when deciding what interim safety measure(s) to initiate and maintain.

## **8.00 Continuous Renewal**

This policy shall be reviewed five years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed before that time as necessary.



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President Vanya Quiñones

**Effective Date:** 04/12/2023

### **Certification of Process**

Reviewed by: Youth Protection Workgroup, Administration & Finance, Policy Facilitation Team, Educational Planning and Policy Committee, Academic Senate, Student Affairs Leadership Team, Associated Students, Human Resources.

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<sup>8</sup> CSU Executive Order [1083](#)