

MEMORANDUM

TO: Steering Committee

FROM: CSCC

RE: Safety of Minors on Campus (Interim) Charge

DATE: November 10th, 2021

Background: The General Counsel has issued an interim policy on [Safety of Minors on Campus](#)

Charge: Steering asks CSCC to read and provide comments on this policy. CSCC should seek input from the Faculty Senate; the Council of Deans; Academic Leaders; John Donohue the Vice President for College Advancement; and Student Government; as well as other individuals and offices deemed appropriate by CSCC. Based on that input, CSCC should solicit Tier II Testimony during Fall 2019 or early Spring of 2020 and submit a final report to Steering, including notation of specific concerns, if any, by March 2020.

Testimony: Tier II testimony was gathered from:

- Faculty Senate
- Deans Council
- Some faculty and staff in the School of Education and School of Nursing, Health, and Exercise Science
- Sandy Gibson (Chair of IRB)

Final Recommendations: It is fair to say there was a great deal of concern about this policy's application and the lack of clarity in its language. The recommendations by CSCC reflect areas of concern that were gathered during testimony.

- There was broad concern about the ambiguity of this policy as it relates to research with minors. Needs to specify that the Policy does not apply to IRB approved research. The definition of "covered program" needs to be more detailed and specific. Is the IRB pediatric research a "Covered Program"?
- The waiver parents are required to sign asks parents to take responsibility for injuries that happen on campus – this is potentially problematic for minors who want to participate but for whom cannot take on insurance / financial liability. This has implications for our community partnerships.
- Additionally, in item D, it needs to specify that the medication waiver does not apply if parents will be accompanying child (Item D)

- Process for registering for the Minors on Campus Database needs to be specified. The contact person needs to be specified in the policy. Minors in campus database requiring the information two weeks before could be a challenge and prevent some programs/research from happening.
- Need explicit information about whether it would apply to events that are put on by the School of Education.
- Should be explicit in policy that in situations with field trips, students coming onto campus under school or adult supervision that TCNJ are not responsible adults. Does this also apply to admissions tours where students may be unaccompanied minors?
- Should there be a different policy for overnight programs vs one-day events?
- The Medical Information form needs to be made available for people to give feedback on. It wasn't ready at the time we solicited feedback. Who will review and make appropriate decisions about student participation and medication needs based on the paperwork. Staff running these programs do not necessarily have the training to review medical paperwork.
- There is concern about collecting medical information that we do not need for the programs and then being responsible for acting on that information.
- What training will be provided on HIPAA in order to keep this medical information safe?
- If medication is stored and administered by a professional, how do we ensure students are not treated differently, or their information is not unintentionally disclosed, by sending them to a different location to receive the medication.
- Suggestion for new form specifically for this policy related to health needs. Minimum should be emergency medication, emergency allergies, medication to be taken on campus, accommodations needed (with note that programs will do the best to meet accommodations and communicate with plan), and other program-time relevant health information. We do not need to collect information that we are not able to do anything about.
- There were concerns about section IIIB and access to medications, for example epi-pens. If these are locked up in a cabinet when they are needed, they won't have time to look for the designated person and key. Need a better, safer way to do this.
- If medication will be self-administered, do programs need to collect and store the medications?
- As it relates to medicine being held securely by a licensed healthcare professional, it is unclear what types of medication are included, considering what cannot be self-administered in an emergency situation, and what qualifications are considered "licensed health care professionals"?
- What is the role of Lions EMS, TCNJ Health Services, or the availability of emergency staff/nursing on campus? Who will cover the cost of additional licensed health professionals?

Who will review the qualifications, hire, and supervise additional contracted licensed professionals?

- Section III. C. 2. Indicates that those working with minors on campus will complete a training. Who conducts the training and where are the Guidelines?
- Definition of one-on-one contact is listed as "Personal, unsupervised interaction between any Authorized Adult and a Minor participant without at least one other Authorized Responsible Adult, parent or legal guardian being present". Typical definitions allow another minor in the program to serve as a second person as well. In other words, a counselor and two summer campers would be allowed. It needs to be clarified in the policy if this is allowed.
- Needs to specify whether the policy applies to minors volunteering in labs over the summer. Their parents sign a release form – does this suffice?
- There was concern about how background checks have been handled for summer camps, particularly concerns expediting handling of background checks for counselors and about HR requiring wrong tier of background check for TCNJ faculty participating.
- Need more information about background checks. Who will be responsible for completing and managing the results? Who will pay for it? Will the TCNJ student and employee processes be the same?
- Need to change matriculated / provisional students to “enrolled”
- “Short duration” needs to be more specifically defined.
- One significant concern is that this policy seems to require that there be at least two camp counselors of each gender (and not including a variety of additional identities) to be on staff. This increases the costs of running the camp.
- This seems to cover on-campus programs. What are the guidelines for our students/employees working with minors in off-campus covered programs?

We encourage the policy owner to review the information and feedback provided above and determine whether it can be incorporated into the current policy and procedures documents.

TCNJ Governance Processes

Step 1—Steering issues a charge

Step 2—Governance prepares a Preliminary Recommendation

Once the appropriate standing committee or council has received the charge, it should start by collecting data needed to make a preliminary recommendation. It should receive input from affected individuals and all relevant stakeholder groups prior to making a preliminary recommendation. For issues that have broad implications or that affect a large number of individuals, initial testimony should be solicited from the campus community at large. For some issues, sufficient initial testimony may come from input through committee membership or solicitation from targeted constituent groups. When, in the best judgment of the committee, adequate clarity of the principles contributing to the problem are known, a preliminary recommendation should be drafted and disseminated to the campus community.

Step 3—The Relevant Stakeholders provide Testimony

Once a preliminary recommendation has been completed, the standing committee or council should seek testimony from the campus community. The testimony should be gathered in accordance with the Testimony Tier (see below) assigned to the issue by Steering. For issues that require public testimony from the campus community, the chair of the standing committee or council should approach the president of the appropriate representative bodies to schedule the next available time slot at a meeting of that body. Testimony should be gathered in a way that allows stakeholders to weigh in fully on the issue. Members of the standing committee or council that wrote the preliminary recommendation should be present to hear and record the testimony.

Step 4—Governance prepares a Final Recommendation

Once the standing committee or council has received appropriate testimony, it should revise the preliminary recommendation into a final recommendation. Once the final recommendation is complete, the standing committee or council should use sound judgment to determine whether or not more public testimony is required. If, in its feedback to the original preliminary recommendation, a stakeholder representative body requests to review an issue again, the committee or council is bound to bring it back to that body. If a full calendar year has passed since the formal announcement of the preliminary recommendation, the committee must re-submit a preliminary recommendation to the campus community. When the committee or council has completed the final recommendation, it should forward it to the Steering Committee. The final recommendation should be accompanied by a cover memo that summarizes the initial charge, how testimony was gathered and the nature of that testimony, and how the committee responded to that testimony, including a description of how the preliminary recommendation evolved as a result of testimony.

Step 5–Steering considers the Final Recommendation

Step 6–The Provost and/or President and Board consider the Final Recommendation Step

7–Steering notifies the Campus Community Testimony

For a complete description of all steps and of the testimony tiers, see Governance Structures and Processes, 2017 Revision, pages 21–24.