

MINORS AT BARD: POLICY AND PROCEDURES

Policy Statement

Providing a welcoming and public setting to promote a love of learning and civic engagement is a foundation of Bard College's mission. Accordingly, Bard College (Bard) is strongly committed to providing a safe and secure environment for all adults and Minors who choose to take part in a Bard-sponsored event, on or off campus.

In order to ensure the safety and security of Minors, all Bard-affiliated individuals taking part in a Bard-sponsored event involving Minors will receive training on how to properly work with Minors and how to report incidents of physical and/or sexual abuse. Additionally, all faculty, staff, volunteers, interns, and students involved in supervising an activity involving Minors (on or off campus) or who interact in a one-on-one situation with Minors will be subject to background screening and approval.

Prior to beginning any activity, all third-party organizations overseeing a program that involves Minors on Bard's campus or at a Bard-sponsored event must provide proof of insurance, level of training acceptable to Bard, and background screening acceptable to Bard for all individuals who will interact with Minors.

Note: This policy provides for the minimum standard of conduct. All policies at a departmental or unit level that deal with interactions with Minors must reference this policy and must not provide for a lower standard of conduct than what is provided here. There may be programs on Bard's campus that will have more stringent requirements for working with Minors (e.g., specialized training, obtaining certifications, etc.). This policy does not address those individual programs and, as such, does not supersede or diminish those requirements.

Definitions

“Minor” – Any person who is under 18 years of age.

“Covered Activity” – Any event taking place on Bard's campus or at a Bard-sponsored off-campus event where Minors attend and are supervised by Authorized Persons as defined below. This includes programs operated by Bard or by third-party entities. These activities include, but are not limited to: (1) one-time events, e.g., conferences and academic workshops, and (2) continuing programs, e.g., sports and music camps and clinics, one-on-one tutoring programs, and research opportunities. **The following activities are not considered “Covered Activities” for purposes of this policy:** Bard College undergraduate and graduate academic programs in which Minors are enrolled for academic credit (unless the course includes one-on-one instruction); events on campus that are open to the general public and which Minors attend at the sole discretion of their parents or guardians; campus tours or visits by Minors considered to be prospective students; and occasions when Bard faculty, staff, and students voluntarily bring their own children to campus.

“Authorized Person” (AP) – Any individual, paid or unpaid, who instructs, supervises, chaperones, or otherwise oversees Minors in connection with a Covered Activity. This includes, but is not limited to, Bard faculty, staff, students, volunteers, interns, independent contractors, consultants, and staff of third-party organizations who participate in a Covered Activity. Authorized Persons are subject to the training and background screening requirements outlined below.

“Mandated Reporter” – Individuals required to report or cause a report of physical or sexual abuse to be made under New York Social Services Law Section 413. In New York State, individuals in the following professions are mandated reporters (this list is not all-inclusive): day care workers, social workers, physicians, police officers, and psychologists.

“Physical Abuse” – Physical contact with a Minor that is intended to cause, or causes, pain or physical injury, including punching, beating, shaking, throwing, kicking, biting, burning, or directing a Minor, outside the norm of the supervised activity, to perform physical activity that is intended to cause, or likely to cause, physical injury.

“Sexual Abuse” – Engaging in a sexual offense with a Minor and/or encouraging or promoting sexual performance by a Minor. Sexual offenses include: sexual misconduct, rape, criminal sex acts, forcible touching, persistent sexual abuse, sexual abuse, aggravated sexual abuse, course of sexual conduct against a Minor, facilitating a sex offense with a controlled substance, sexually motivated felony, predatory sexual assault against a Minor, and sexual performance by a Minor. Sexual abuse may also include noncontact abuse, such as taking or sharing obscene pictures or videos, exposing oneself, exposing youth to pornography, or sending obscene messages digitally. Sexual performance by a Minor is any behavior that results in touching of the sexual or other intimate parts of a Minor for the purpose of sexual gratification of the Minor and/or adult, including touching by the Minor and/or adult with or without clothing.

“Third-Party Entity” – Any organization or institution that is not directly affiliated with Bard College.

“Reasonable Cause” – Reasonable Cause means that, based on rational observations, professional training, and/or experience, a normal individual would have a suspicion that someone is harming a Minor or placing a Minor in imminent danger of harm. It can be as simple as mistrusting an explanation for an injury.

“Responsible Campus Official” (RCO) – The Bard-affiliated individual responsible for: reviewing and providing clearance for the Covered Activity; serving as the campus’s contact for the Covered Activity; serving as the point of contact for any pertinent information from the background screening of the Authorized Persons involved in the Covered Activity; and serving as a point of contact for any reports of possible physical or sexual abuse of Minors participating in Covered Activity s/he is responsible for overseeing.

“Designated Campus Official” (DCO) – An individual, usually a program’s supervising Authorized Person, designated by the RCO to take on a number of RCO-level responsibilities for that particular program (see [Appendix I: Summary of DCO Responsibilities](#)).

Procedures

Registration of a Covered Activity

In order to host a Covered Activity, a party (whether affiliated with Bard or a third-party entity) must fill out an Event Registration Form (Appendix II). The form requests the following information:

- Name, address, contact information of the party/individuals overseeing the activity
- Description of activity, including the number and age range of participants
- Date(s) and location(s) of event
- A list of all individuals working with Minors.

The Event Registration form should be turned in to the Responsible Campus Official for approval at least 6 weeks prior to the start date for the Covered Activity. In the case of long-running, recurring campus programs (e.g., athletic summer programs, MAT tutoring, CCE outreach programs), a description of program activities is not required annually.

It is the RCO's (or DCO's, if so designated) obligation to provide Human Resources with a list of all individuals who will require background screening at least 4 weeks in advance of the start of the Covered Activity.

Depending on the nature of the Covered Activity, an Activity Consent Form (Appendix IIIA) signed by Minors' parents/guardians may be required. This decision will be made by the RCO in consultation with the DCO.

Training Requirements for Authorized Persons

Training on how to properly interact with Minors and what to do in cases of suspected physical or sexual abuse is required for all Authorized Persons. The Authorized Persons must initially attend an in-person or an approved online training provided by Bard. Refresher training (either in person or online) is required at least every 4 years. The Responsible Campus Official is charged with ensuring that s/he receives proof of training for all Authorized Persons.

Non-Bard-affiliated entities must provide proof of training (acceptable to Bard) for all individuals who will be working with Minors prior to approval of any Covered Activity.

Background Screening of Authorized Persons

Background screening is required for Authorized Persons supervising Minors participating in a Covered Activity. The screening must include a criminal background check and a search of the relevant states' and the National Sex Offender registries. All third-party entities must provide proof of background screening (which must include both criminal background and sexual offense screening) for all Authorized Persons participating in a Covered Activity. Background screening must be performed every 4 years.

Additionally, all Authorized Persons are required to notify the Responsible Campus Official and/or Designated Campus Official immediately in the event of an arrest or the conviction of a crime that occurs prior to the end of the Covered Activity.

In both Bard-sponsored Covered Activities and when third parties (e.g., public schools, nonprofits) employ Authorized Persons to oversee Covered Activities at Bard, and such Authorized Persons meet the standards outlined in this policy, Bard-affiliated personnel involved in that Covered Activity might not be required to be Authorized Persons so long as the staffing requirements for Covered Activities are maintained. The Covered Activity must still be registered with Bard.

Insurance Requirements for Nonaffiliated Parties

Bard requires proof of general liability insurance for all nonaffiliated entities/parties who engage with Minors in a Covered Activity from the start of the activity through the six-month period following the end of the activity (Appendix IV: Bard College Insurance Requirements). In addition to our standard required coverages, nonaffiliated entities will also need to show proof of insurance for molestation.

Staffing Requirements

All Covered Activities must maintain a certain ratio of Authorized Persons to Minors; this ratio differs depending on the age of the Minors. The following ratios are strongly recommended:

< 7 years old	1:6 (AP: Minors)
7 to 11 years old	1:8
12 to 17 years old	1:12

Interactions with Minors

The following actions are deemed inappropriate and are prohibited when engaging with a Minor, unless authorized by the Responsible Campus Official. This is not a complete list.

- One-on-one contact in all Covered Activities, unless approved by a Designated Campus Official and the Responsible Campus Official.
- In no circumstance should any person involved in any Covered Activity be alone with a Minor in a restroom, locker room, shower, sleeping area, or vehicle.
- Communicating electronically with Minors via personal email and/or personal social media accounts.
- Sending or receiving sexually explicit photos or messages by any means, e.g., phone, text, social media, etc.
- Allowing Minors the use of, or providing Minors with, alcohol, drugs, or other illegal substances.

- Engaging in the use or being under the influence of alcohol, drugs, or other illegal substances at or during Covered Activities.
- Disciplining Minors in any manner involving isolation, humiliation, or corporal punishment. Any form of discipline must be constructive and appropriate, given the age of the Minor and the circumstances of the situation.
- Engaging in abusive conduct of any kind, either verbal or physical, toward or in the presence of Minors.
- Bullying (including cyberbullying), hazing, and initiations.
- Transporting Minors, except if (1) specifically authorized in writing by the Minors' parents or legal guardians and the Designated Campus Official; and (2) the driver is Bard authorized and driving a Bard vehicle.
- Giving gifts of any kind to Minors outside of gifts previously approved by a Designated Campus Official or the Responsible Campus Official.
- Engaging in sexual activity or other inappropriate deliberate physical contact or horseplay with, or in the presence of, Minors.
- Making sexual materials or pornography in any form available to Minors or assisting them in any way in gaining access to such materials.
- Making inappropriate or risqué comments to or in the presence of Minors.
- Releasing a Minor's personal contact information to third parties without the written consent of the Minor's parent or legal guardian and approval by a Designated Campus Official and the Responsible Campus Official.
- Photographing or making videos of Minors for reasons other than program-related purposes. For program-related purposes, photos or videos may be taken only after the Minor's parent or guardian has signed an appropriate Release Form (Appendix IIIB) obtained from a Designated Campus Official and the Responsible Campus Official. Use of any device capable of recording or transferring visual images is forbidden in showers, restrooms, locker rooms, dressing rooms, or other areas where privacy is reasonably expected.

One-on-One Interactions

One-on-one interaction between an Authorized Person and a Minor is a valuable component in many areas of instruction and outreach at Bard, i.e., musical instruction at the Bard College Conservatory of Music, tutoring in local high schools, community outreach programs, etc.

Record Keeping

The records of all background screenings will be held by the Office of Human Resources. Covered Activity event registration forms, lists of the Authorized Persons participating in the Covered Activities, proof of Authorized Person training and screening, and Minors' Activity Consent Forms will be kept on file by the RCO.

Relevant Regulations

- NYS Penal Law Articles 130, 263, and Sections 260.10 and 260.25
- NYS Social Services Law Section 413

Appendices

- I. Summary of Designated Campus Official Responsibilities (p. 2)**
- II. Event Registration Form (p. 3)**
- III. Activity Consent Form (p. 3) and Release for Photography and Video (p. 5)**
- IV. Insurance Requirements for Nonaffiliated Parties (p. 4)**