

Office/Contact: Office of Academic Affairs

Source: SDBOR Policy 1.6.4 (Minors on Campus); University Policies 4:1, 4:8 and 5:1

Link: <https://public.powerdms.com/SDRegents/tree/documents/1729393>;

<https://www.sdstate.edu/policies/upload/Employment-Background-Checks.pdf>;

<https://www.sdstate.edu/policies/upload/Volunteers.pdf>;

<https://www.sdstate.edu/sites/default/files/policies/upload/Contract-Agreement-and-Memorandum-of-Understanding-Review-and-Approval.pdf>

Associated Forms: [Youth Program Planning Guide](#)

SOUTH DAKOTA STATE UNIVERSITY

Policy and Procedure Manual

SUBJECT: Non-Student Minors (*Formerly: Youth Activities and Camps*)

NUMBER: 2:29

1. Purpose

This policy and its procedures set forth the protocols to safeguard and protect the well-being of non-student minors, including at youth programs as defined herein, in accordance with the governing provisions of SDBOR Policy 1.6.4 (Minors on Campus).

2. Definitions

- a. Non-Student Minor: A Minor (individual under the age of eighteen (18)) who is not enrolled or accepted for enrollment at the University, including a student who is dually enrolled in University Programs while also enrolled in secondary school.
- b. Program: Any non-credit activity, event, or program that is University Sponsored, regardless of its location, or any activity, event, or program that is Externally Sponsored and uses University Facilities, but excludes those exempt Programs set forth in SDBOR Policy 1.6.4 (B.7).
- c. Youth Program: any Program that is designed to serve or is targeted toward Non-Student Minors, at which parents or guardians are not expected to remain with, and be responsible for, their Non-Student Minor. This includes workshops, group lessons, conferences, seminars, competitions, internship programs, group experiential learning opportunities, and other enrichment programs offered to this population.

The remaining definitions set forth in [SDBOR Policy 1.6.4](#) are fully incorporated herein by this reference.

3. Policy

- a. All Programs held on University property or utilizing the University's name or resources must be in keeping with the University's mission and authorized by, and compliant at all times with, applicable law and University and SDBOR policies and procedures.
- b. Non-Student Minors on Campus
 - i. Non-Student Minors are generally permitted in University Facilities only as

- invitees, participants, or visitors and must be under the supervision of an Authorized Adult, parent, or legal guardian, or other chaperone permitted to be in a University Facility by virtue of their status with the University.
 - ii. Non-Student Minors, and their supervising Authorized Adult, parent, legal guardian, or chaperone, who fail to comply with SDBOR and University policies while in University Facilities may be immediately removed from University Facilities.
 - iii. The University reserves the right to restrict anyone, including Non-Student Minors, from certain areas or facilities or from using specified equipment.
- c. Programs Open to Minors
- i. No Program involving the presence of Minors may include Prohibited Conduct, as defined in SDBOR Policy 1.6.4 (C.2.1).
 - ii. Programs that are open to Minors will use Content Descriptors to provide parents or legal guardians with information about the content of the Program. Content Descriptors will be used in accordance with SDBOR Policy 1.6.4 (C.2.2) and will identify the presence of explicit content, as appropriate.
- d. Program Administration
- i. Authorized Adults participating in Programs involving the presence of Non-Student Minors will adhere to the restrictions applicable to Authorized Adults set forth in SDBOR Policy 1.6.4 (C.3.1). This includes, without limitation, the restrictions on: One-on-One Contact with Non-Student Minors; direct electronic access of Non-Student Minors; private areas; unauthorized pictures; hazing, bullying, or other abusive conduct; alcohol or illegal drug use; corporal punishment or illegal touching; or obscene or sexually suggestive language.
 - ii. Contracts or subcontracts with External Organizations must incorporate the specific requirements of this policy and SDBOR Policy 1.6.4 for Programs that involve Non-Student Minors.
- e. Youth Programs
- i. A Program Leader must be appointed for each Youth Program. The Program Leader is responsible for the duties outlined in this policy and SDBOR Policy 1.6.4, as well as:
 - 1. Overseeing the Youth Program's compliance with its own plan and the requirements set forth in the approved *Youth Program Planning Guide*, University and SDBOR policies, and local, state, and federal laws and regulations;
 - 2. Reporting any incidents or suspected incidents of harassment, discrimination, or abuse to local law enforcement and/or to the University's Office of Title IX/Equal Opportunity as required by law and University policy; and
 - 3. Providing a report of the Youth Program to the Office of Academic Affairs within thirty (30) days of the Youth Program's end date.
 - ii. Youth Programs must be supervised by two (2) or more Authorized Adults at all times. Sleeping arrangements will comply with SDBOR Policy 1.6.4.
 - iii. Authorized Adults are required to successfully complete the background check requirements for Youth Programs set forth in SDBOR Policy 1.6.4 (C.3.5) for participation in any Youth Program.

- f. All Youth Programs must be reviewed and authorized before program activities can occur in University Facilities or University services can be provided, as applicable below:
- i. University-Sponsored Youth Programs must be approved by the department head or unit supervisor and subsequently, approval must be obtained pursuant to the supervisory structure of the unit/department sponsoring the Youth Program, as well as from the Provost and V.P. for Academic Affairs, or designee. Individuals who report directly to the University President will submit all required materials directly to the President's designee, the Provost and V.P. for Academic Affairs for approval. Authority for approval may be delegated to an individual designated to oversee Youth Programs for the college/division who will submit all required materials directly to the Provost and V.P. for Academic Affairs, or designee.
 - ii. Externally-Sponsored Youth Programs require an agreement with the External Organization for any University facility/premise use and must be entered into by individuals with signature authority for contracting on behalf of the University (hereinafter, "University host"). The External Organization shall be required to provide proof of insurance in the amounts required by the University host and provide indemnification to the University for their program. The External Organization will also be required to provide proof of compliance with this policy to the University host.
 - iii. Externally-Sponsored Youth Programs requesting to use University services are subject to this policy and must contract in accordance with the University's services agreement process. The services agreement must be approved by the department head/director and the dean or vice president for the unit/department that is responsible for providing the service (hereinafter, "University service provider"). The External Organization shall be required to provide proof of insurance in the amounts required by the University service provider and provide indemnification to the University for their program. The External Organization will also be required to provide proof of compliance with this policy to the University service provider.
 - iv. In addition to the requirements set forth in this policy and the *Youth Program Planning Guide*, Youth Programs with special approval and programming requirements must also adhere to those requirements (e.g., Youth Programs affiliated with Athletics or regulated by NCAA rules must also be approved by the Director of Athletics, or designee; or Youth Programs associated with accreditation requirements for degree programs may require that additional rules be followed).
 - v. Ongoing and recurring activities must be reviewed at least annually for changes in staffing, activities, and other aspects by the sponsoring unit, University host, and/or University service provider, as applicable. Any substantive changes shall require re-authorization.
- g. The University shall maintain a *Youth Program Planning Guide* ("Guide") setting forth the uniform requirements applicable to Youth Programs. Specific Youth Programs will develop a Youth Program Handbook to include Program-specific materials that reflect the unique requirements of the program. The Provost and V.P. for Academic Affairs, or designee, must preapprove the Program-specific handbook prior to its use.
- h. All Programs using University name and trademarks must comply with the policies and procedures of University regarding the use of the University name and trademarks. UMC is responsible for trademark use approvals. University calendars and websites shall not be

used to advertise External Organizations' events absent University approved event sponsorship.

- i. Anyone who is not subject to a recognized legal privilege who witnesses or suspects that there may be inappropriate conduct toward or touching of Minors must immediately contact the University Police Department to report the conduct. Further, all participation in the Program by a person accused or suspected of inappropriate conduct with a Minor must immediately cease until the allegations have been satisfactorily resolved by University Police.
- j. The University reserves its right, at all times, to cancel a scheduled Program, including Youth Program, or terminate an ongoing Program or Youth Program, with little or no notice, for any failure to adhere to applicable law, SDBOR/University policies and procedures, and/or representations. Failure to comply with this policy, any other policies, or applicable law may result in suspension, discontinuance, or discipline in accordance with applicable policies.
- k. Only in rare circumstances may an exception be made to this policy with written request to the University President, or designee.

4. Procedures

a. Youth Programs Generally

i. Planning Guide

- 1. Program Leaders are responsible for preparing or obtaining a copy of the latest version of the *Youth Program Planning Guide*, and reviewing and understanding the same prior to the Youth Program.
- 2. A Youth Programs Handbook template and all forms associated with the planning and approval of Youth Programs shall be contained in the *Guide*.
- 3. The *Guide* shall be subject to annual and ad hoc review and revision by the Office of Academic Affairs, or designee.

ii. Communications and Notification

- 1. The Program Leader shall establish an appropriate procedure for the notification of the Non-Student Minor's parent/legal guardian in case of emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions. Authorized Adults associated with the Youth Program, as well as Non-Student Minor participants and their parents/legal guardians, must be advised of this procedure in writing prior to the Youth Program.
- 2. The Program Leader shall maintain a list of all Non-Student Minor participants and Youth Program staff. The list shall include name, local room assignment (if applicable), gender, age, address, and phone number(s) of parent or legal guardian, as well as emergency contact information.
- 3. The Program Leader shall provide information to the parent(s) or legal guardian(s) detailing the manner in which the Non-Student Minor can be contacted during the Youth Program.

iii. Medical Treatment and Emergency Services

- 1. The Program Leader shall obtain all necessary medical and release forms, as set forth in the *Guide*, for each Non-Student Minor

- participant and Youth Program staff member.
- 2. Emergency services and contacts will be used whenever it is observed that a medical emergency requires response.
- 3. Programs Leaders and staff who are not lawfully licensed medical professionals will not provide assessment or diagnosis of medical conditions or determine medication needs. Programs will not provide over-the-counter and prescription medication to participants. Program participants may bring their authorized over-the-counter and prescribed medications and completed consent forms to the Youth Program and follow protocols for medication administration as set forth in the *Guide* with the consent of their prescribing physician and parent or legal guardian.

iv. Liability

- 1. Program Leader(s) shall obtain all necessary forms, in paper or electronic format with electronic signatures as allowed by University Policy 7:2, as set forth in the *Guide*, as part of the Youth Program registration process from all Non-Student Minor participants and their parents/guardians. All data gathered shall be confidential, is subject to records retention guidelines, and shall not be disclosed, except as provided by law.
- 2. Externally-Sponsored Youth Programs shall indemnify and hold the University, its officers, employees, agents, and volunteers, harmless from any liabilities or claims brought by them or their respective officers, employees, agents, and volunteers arising out of the Youth Program, except for liability for which the negligence of the University, its officers, agents, and volunteers, is the sole, but-for cause.

b. University-Sponsored Youth Programs

- i. Requests for a University-Sponsored Youth Program must be condensed and formalized into a Youth Program plan. The plan shall:
 - 1. Detail the Youth Program's proposed sponsorship arrangement, a balanced financial pro-forma/budget, timeline, programming, leadership, targeted population, objectives and their synergy with strategic planning, and risks/benefits to the University in general and the sponsoring department or unit in particular;
 - 2. Indicate how the proposed Youth Program conforms to the University's mission;
 - 3. Show how compliance with all applicable policies and procedures will be achieved and maintained for the duration of the Youth Program; and
 - 4. Incorporate the substance contained in the *Guide*, including the approved, Program-specific Handbook, where required.
- ii. The plan shall be presented for approval to the department head/director for the unit/department designated as the proposed Program Sponsor or endorser of the Youth Program and, if so approved, then it shall be presented to the appropriate dean or vice president for their final approval.
- iii. The Youth Program plan must receive the above approvals prior to the start of the Youth Program, as well as prior to any advertisement or solicitation of the proposed Youth Program to Non-Student Minor participants or Youth Program Staff other than the Program Leader(s).

c. Externally-Sponsored Youth Programs

- i. External Organizations must secure a University host or service provider to

utilize University Facilities or University services, respectively, for their Youth Program. The relationship of the External Organization and the University host or service provider must be captured in an agreement signed by the External Organization's and the University's duly authorized representatives.

- ii. The External Organization is responsible for providing at least one (1) Program Leader and shall designate the same in providing its compliance documentation to the University, including a list of all Youth Program staff and Non-Student Minor participants to the University host, prior to the start of the Youth Program.
- iii. Complete background checks of the External Organization's Program Leader and Youth Program staff shall be conducted, with copies provided to the University host or service provider.
- iv. Authorized personnel/signatories for External Organizations using University Facilities must provide to the University satisfactory evidence of compliance with all of the requirements of this policy prior to utilizing University Facilities or receiving University services in their Youth Programs.

d. Approval of University Host or Service Provider

- i. Any request by an External Organization sponsor to conduct a Youth Program in University Facilities or to receive a University-provided service for its Youth Program that is not University-Sponsored shall require the External Organization, through its designated Program Leader, to review the applicable policies and procedures, including the *Guide*, and provide a signed, descriptive statement of compliance that the proposed Youth Program shall fully comply with these provisions and that compliance shall be maintained for the duration of the Youth Program. The Statement shall be an addendum to any agreement signed between the University and the External Organization.
- ii. The Statement must be presented to the University host and/or University service provider for the facility and/or service requested by the External Organization sponsor. The Statement must be reviewed by the department head/director for the unit/department designated as the University host or service provider and, if it passes review, then it shall be presented to the appropriate dean or vice president for their final review. In no circumstance will a facility use or services agreement be approved prior to the receipt and review of an External Organization-signed and -completed statement of compliance by the appropriate University administrators. Any issues with the statement of compliance must be addressed to the satisfaction of the administrators prior to the University's approval of any facility use or services agreement.
- iii. In no event shall an External Organization advertise a Youth Program to be held in University Facilities or advertise programming as involving University services prior to the approval of the underlying facility use agreement or services agreement.

5. Responsible Administrator

The Provost and Vice President for Academic Affairs, or designee, is responsible for the annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of this policy.

SOURCE: Approved by President on 02/22/2019. Revised; Approved by President on 05/13/2020. Revised; Approved by President on 02/08/2024.