**Subject: Miscellaneous**

**Policy: Background Checks and Program Information for University-Sponsored Programs for Children and Youth**

**Effective Date: TBD**

**Review Date: TBD**

**Responsible Party: Legal Counsel**

**100.00 Introduction and Purpose**

As part of its educational mission, Montana State University offers many university programs that include children and youth. This policy promotes the protection and safety of children and youth in these programs.

**200.00 Definitions –** For the purpose of this policy, the following definitions apply:

**Children and Youth** – any person under the age of eighteen (18).

**Programs –** ongoing or planned events that are designed to include children and youth such as camps, lessons, workshops, clubs, teams, projects, practices, tours, or open-houses.

The term “programs” does not include: 1) Single performances or events open to the general public that are not targeted toward children and youth (such as varsity athletic competitions, plays, concerts). 2) Regularly scheduled classes or activities designed primarily for enrolled students or student recruits who are age 17 and above.

**University Sponsored** – a program sponsored by a department of the university or otherwise offered by university employees as part of their employment at the university.

**Work directly –** individual, face to face contact with children in the performance of the assignment. This does not include Employees or volunteers who are part of group activities but who have no responsibility to directly interact with children and youth as part of their assignment. E.g., volunteers called in for a specific one time group activity who will be supervised by employees or volunteers who are responsible for the direct contact.

**300.00 Background checks:**

University Sponsored Programs for children and youth must ensure that all employees, students, volunteers, or other personnel who will work directly with children and youth have been subject to a criminal background check and sex offender registry check before working with children and youth. The program shall develop a method to check for any changes in the background check r. Individual programs or units may require more frequent updates and may require a new background check for any employee or volunteer at any time. University Sponsored programs will use the vendor that MSU has selected for employee background checks.

A person whose criminal background check and/or sex offender registry check includes a record of sexually based offenses or crimes against children is not eligible to work as a volunteer or employee for University Sponsored Programs. If criminal background reports include a record of other offenses, programs should consult the appropriate offices (campus Human Resources office, Legal Counsel or the University Police Chief) to determine if those offenses should preclude participation.

Programs that are discrete, occasional events for which a large number of volunteers are essential, may elect to adopt measures and safeguards instead of background checks for the one-time volunteers (for example, Science Olympiads, children’s reading/activity days). The measures adopted must include requirements that the volunteers be working in public places, not alone with children and youth and be supervised by a background-checked person. Programs must compile the names and addresses of the volunteers prior to the event and check the names against the sex offender registry. Volunteers must then present photo identification to be checked at the event.

**400.00 Program information:**

Units sponsoring programs that include children and youth must maintain an up-to-date list of those programs. Such list should include each program’s dates, times, locations, attendance (age range and number of participants) and a program contact, so that in the event of an emergency, consideration may be given to the possible presence of children and youth on campus, and the appropriate course of action to address their health and safety. At least seven days prior to the start of a new program, the responsible university unit must also submit this information to the Department of Safety and Risk Management.

Academic and administrative supervisors are responsible for ensuring that programs are in compliance.

**500.00 Guidelines:** The University has adopted Guidelines for University Programs for Children and Youth [http://www2.montana.edu/policy/documents/guides/childrens\_programs.pdf ] Units responsible for such programs should be familiar with the Guidelines and should discuss the Guidelines with their volunteers and employees.