Managing Risk in Youth Programs

Risk Management and Environmental Health & Safety

August 15, 2023

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AGENDA

RISKS TO YOUTHS

- DEFINITIONS & RISK EXPOSURES
- RISK MITIGATION FACTORS

CREATING A SAFETY CULTURE

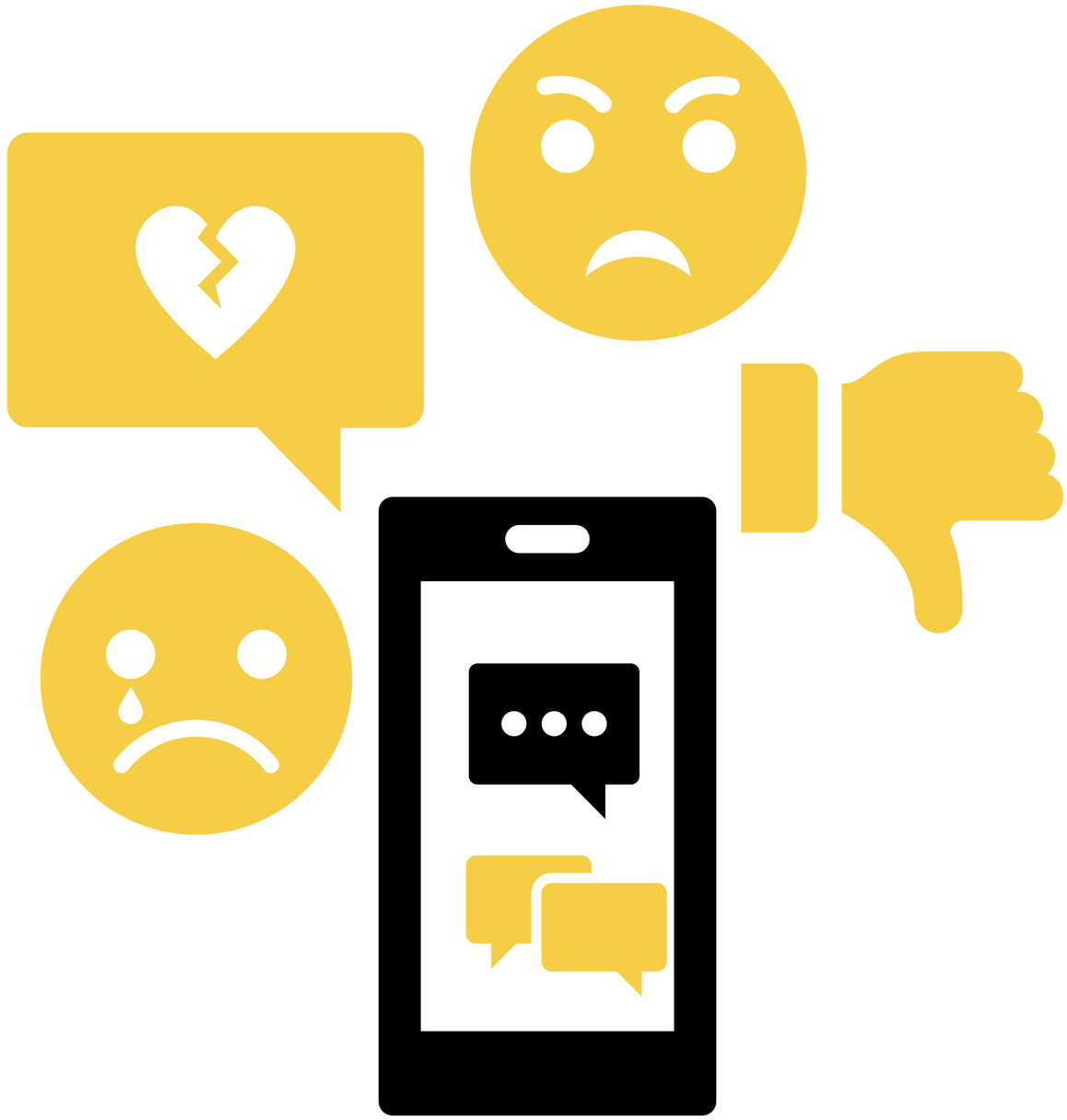
REGISTRATION, INVENTORY, BACKGROUND CHECKS, SELECTION, TRAINING

REPORTING SUSPECTED ABUSE

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The Risks to Youths

- Physical Abuse
- Adult-to-Youth Sexual Abuse
- Youth-to-Youth Sexual Abuse
- Bullying
- Accidental Injury



Definitions

- **Youth/Minor**: Anyone under the age of 18. For CSU bargaining unit employees working at camps or clinics in which minor children participate, a minor is anyone under the age of 18 at the start of the camp/clinic.

- **Youth Program**: A camp, clinic, or program affiliated with CSU that engages youths/minor children, including, but not limited to sports, dance, music, academics, and other disciplines. Such programs may take place on or off campus.

- **Regular or Direct Contact**: Care, custody and control.

Youth Programming—The Perfect Risk

- Life-changing upside, devasting downside
- Financial gain and loss
- Reputational harm
- Institutional morale
- Regulatory Compliance
- Litigation
- Insurance Coverage



What are some of the Risk Exposure Sources?

Employees, contractors, volunteers, students	Registered sex offenders –may be students or employees	Childcare services
Summer, after-school, athletic and other specialty camps and programs	Authorized contractors and third parties hosting youth-serving programs	University ownership of events
Facilities and the physical environment (laboratories, equipment, etc.)	Limited supervision and staffing resources	Regulatory requirements (mandated reporting, etc.)

Risk Mitigation: Youth Protection Basics

- Written policy
- Registration process
- Inventory
- Risk assessment
- Program-specific guidelines
- Criminal background checks
- Sex offender registry checks
- Education and training
- Insurance coverage
- Reporting procedures
  - Mandated reporting
- Parental permission agreements
  - Waivers, image, medical
- Institution-wide communication
- Emergency management and emergency preparedness

Institutional Challenges



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National Trends in Protective Practices



- Increased regulation and oversight designed to broaden prevention measures
- Federal legislation
- Increasing accountability with organizational leadership
- Youth protection mechanisms becoming industry standard
- Increased public awareness and accountability expectations for institutions
- Foundations and funding sources are more engaged
- Insurance underwriters, coverage and limit considerations
- Plaintiffs are prevailing in litigation

Regulatory and Legal Environment

SafeSport Act (Federal law, signed February 2018)

- Mandatory reporting
- Required Prevention Training
- Mandatory Prevention Policies
- Regular and random audits to ensure compliance

National Organizational Oversight

Heightened Screening Standards

Changes to Statute of Limitations



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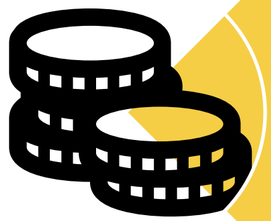
LEGAL EXPOSURES



Win/Loss Ratio 5:1



Average Payout: $7,274,000



Range: $15,000 - $60,000,000

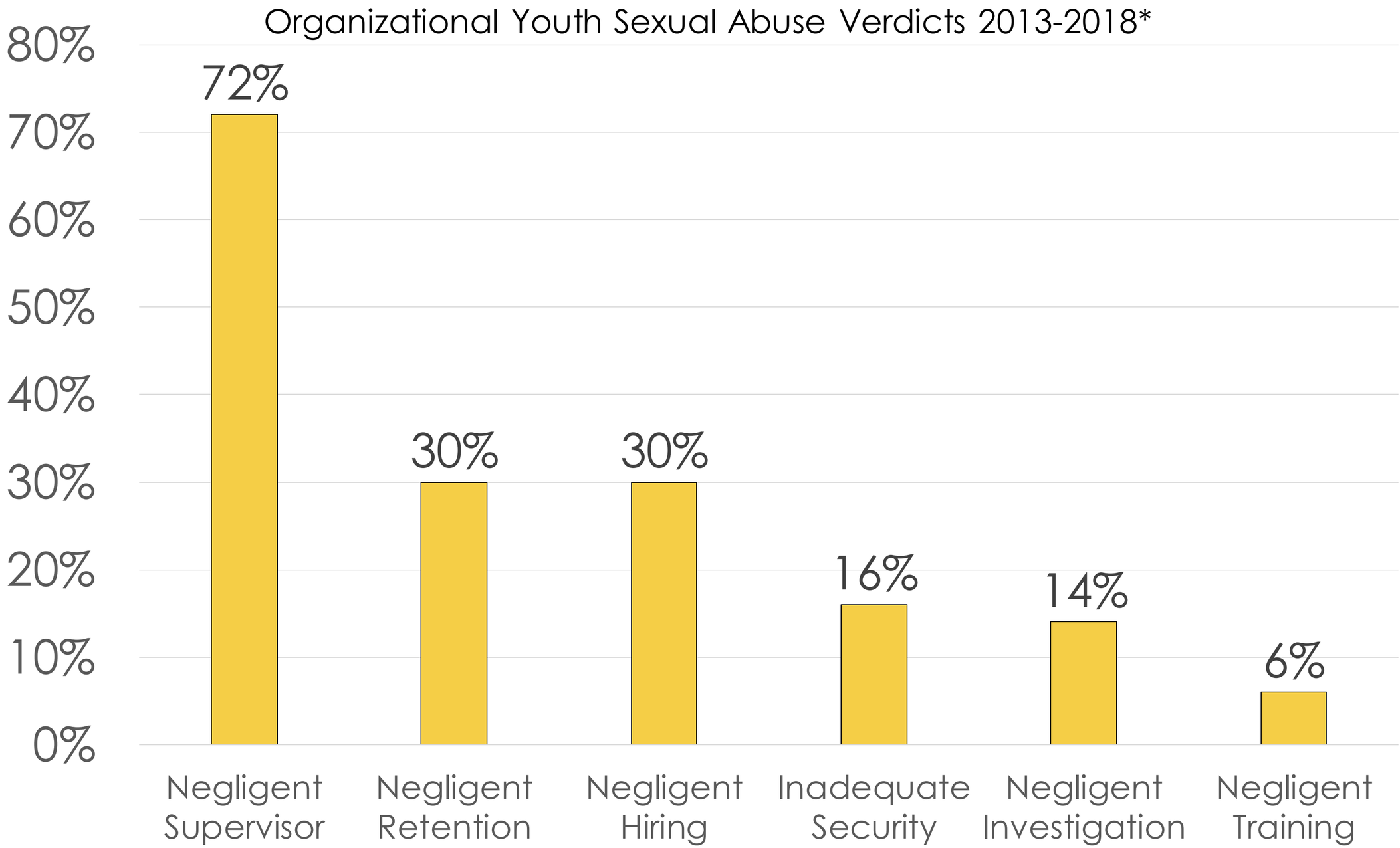


Offender: 30% Youth |70% Adult

Organizational Youth Sexual Abuse Verdicts 2013-2018*

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LEGAL EXPOSURES



Praesidium sample of 50 organizational abuse cases**

CREATING A CULTURE OF SAFETY



Standards are clear



Standards are enforced



Everyone knows safety is part of their job



Everyone takes warning signs seriously



Everyone reports their concerns



Employee engagement is high



Quality is institutionalized

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Partnering with Praesidium

- Funded partner
- Praesidium Safety Equation
- Know Your Score! Online Self-Assessment Tool
- Helpline
- Praesidium Guardian Training
- Anonymous Reporting Hotline
- Trainings: in-person and online
- Informational Reports and Training Resources



CSU RESOURCE GUIDE: MANAGING RISK IN YOUTH PROGRAMS



- Registration and Inventory
- Background checks
- Screening process
- Staff and Volunteer Training and Orientation
  - Rules, safety and conduct standards, supervision ratios
- Participant orientation
- Program handbook for parents and participants
- Reporting suspected abuse
  - Mandated reporter
  - Channel for communicating concerns
- Housing
- Transportation
- Off-campus activities
- Third party programs
  - Written requirements, expectations, agreements

REGISTRATION & INVENTORY

Centralized program registration with the campus Youth Program Office or designee.

All youth programs and events must be registered. Even if the program is an annual program on the inventory list, they must register the program each year.

Standard registration form to be completed with proposed program information and must be submitted within established time requirements.

Submission of the information will initiate a preliminary program and risk review.

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BACKGROUND CHECKS –HR 2017-17

- California Education Code Section 10911
  - Employees with direct contact with minors have fingerprints submitted to DOJ

- To provide the safest possible environment for minor children, the CSU will conduct a background check, including a criminal records 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.

- Fingerprinting is required for those employees and volunteers who perform work involving regular or direct contact with minor children in a recreational program or camp operated by the CSU or on CSU property. Sexual offender registry check is required by CSU policy for those who perform work involving regular or direct contact with minor children.



SCREENING AND SELECTION

- **Standardized application**
  - Designed to screen for red flags
  - Applicant Code of Conduct agreement
  - Zero tolerance for abuse statement
- **Interviews**
  - Face-to-face, involving multiple people or a multi-interview process
  - Include behavioral interview questions
- **Reference Checks**
  - A minimum of three reference checks, including one personal or family reference
  - Use standardized, behaviorally-based questions



STAFF AND VOLUNTEER ORIENTATION AND TRAINING



- To be conducted prior to granting access to youths
- Conveys CSU's commitment to safety
- Teaches staff at all levels their role in youth protection and safety
- Foundational and program-specific content
- Creates a common language and a basis for ongoing communication and training
- Demonstrates due diligence

PARTICIPANT ORIENTATION

- **Program Handbook**
- **Age-appropriate orientation**
- **Program rules and policies**
  - Outside contact
  - Social media
  - Anti-bullying/hazing
  - Appropriate boundaries for the program
  - Outdoor activities- **Student Heat Illness Awareness Training**
- **How to report concerns**



- Program policies and procedures
  - Outside contact, including online interactions
  - Social media
  - Code of conduct and boundaries for the program
  - Emergency procedures
- How to recognize boundary violations
- How to talk to their child if they have concerns
- Provide program/university contacts to report concerns
- Provide UPD contact information if they believe abuse has occurred

PROGRAM HANDBOOK FOR PARENTS AND PARTICIPANTS



MANDATORY REPORTING OF CHILD ABUSE AND NEGLECT –EO 1083

- The **California Child Abuse and Neglect Reporting Act identifies who is legally required to report**, however, all are encouraged to report.

- The Act requires Mandated Reporters to report child abuse and neglect whenever, in their professional capacity or within the scope of their employment, they observe or reasonably suspect it. For General Reporters, reporting extends to suspected abuse or neglect wherever it occurs. For Limited Reporters, the reporting obligation is limited to suspected abuse or neglect occurring on CSU premises or at an official activity of, or program conducted by, the CSU.

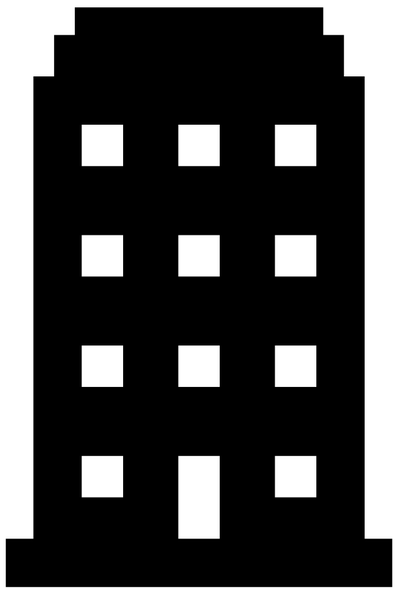
REPORTING SUSPECTED ABUSE

- Emergency or crime in progress –**call 911**
- **Reporting Step 1** –Immediately, or as soon as practically possible, report by phone to: the police or sheriff, county probation, or county welfare (CPS).
- **Reporting Step 2** -Within 36 hours of receiving the information concerning the incident, fax or transmit form SS 8572 to the agency contacted above.
- **Establish communication** channels and **expectations at the program level** for those involved to share information, observations, and concerns.
- **Establish communication** channels and **expectations at the institutional level** for program personnel to share information, observations, and concerns.

HOUSING

- Housing specific policies, if applicable to the program, including but not limited to:

  - Requirement of separate accommodations for adults and youths, except when housing youths with their parents or guardian
  - Visitation by non-participant guests restricted to public spaces during approved hours
  - In-room visitation by program participants
  - Age-appropriate curfews
  - Requirement to comply with all security measures and procedures set forth by UPD and Residence/Housing Services Housing-specific



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TRANSPORTATION







- University employees and volunteers that transport minors must participate in the campus defensive driving program and be subject to the California DMV driver pull notice program.

- The use of private vehicles for transporting youths is to be avoided but if there are instances when a private vehicle must be used, the employee or volunteer must have automobile liability insurance.

- More than one adult must be present in the vehicle except when there are multiple youths for the duration of the trip.

- Must comply with California Vehicle Code 27360 regarding the use of car seats.

- Unauthorized stops are prohibited.

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OTHER RESOURCE GUIDE SECTIONS

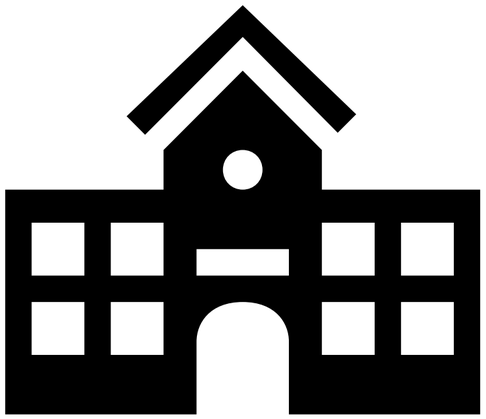
- **Off-campus Activities**

- **Third Party Programs**
  - Agreement to university terms; policies, requirements
  - Abuse & molestation insurance coverage

- **Exclusions**
  - Matriculated students under the age of 18

- **Sample Forms**
  - General Release of Liability
  - Media Release Form
  - Medical Treatment Authorization
  - Pick Up/Drop Off/Commuter Form

IMPROVEMENT STRATEGIES



A CSU SystemwidePolicy (Coming soon!)

Designated individual(s) dedicated to youth protections

Identify and collaborate with partners throughout campus

Benchmark against peer institutions

Customized training and awareness

Involve Emergency Management

Join related committees and task forces

Use available tools and look for emerging tools

- Event planning software

Communicate, communicate, communicate!

Contact Us

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