

# San Francisco State University Youth Protection Program

## University Executive Directive #21-46

### I. Introduction

San Francisco State University strives to promote an environment that is safe, engaging, and productive for all members of its community. The University recognizes the distinct, inherent risks associated with activities involving minors and endeavors to mitigate these risks by imposing the directive outlined below. San Francisco State University has zero tolerance for abuse or neglect of minors. Any form of abuse or neglect, sexual or otherwise, of a minor by anyone affiliated with the University is prohibited, regardless of their employment status, role, tenure status, volunteerism, or contract.

### II. Authority

- CSU Chancellor's Office Executive Order 1083 - Mandatory Reporting of Child Abuse and Neglect
- CSU Technical Letter HR 2017-17 Background Check Policy
- Draft CSU Managing Risk in Youth Programs Resource Guide (02-27-2020)

### III. Definitions

**Youth Program:** All events, operations or activities designed for participation by minors organized by SF State in which YOUTH PROGRAM PERSONNEL are responsible for the care, custody, or control of minors; and all events, operations, or activities for participation by minors administered by an auxiliary organization or other third-party organization on SF State property. Typical youth programs include, but are not limited to, instructional programs, day camps, overnight camps, and sports camps.

**Youth Program Personnel:** Any full-time or part-time employee of SF State or its auxiliary organizations working in any YOUTH PROGRAM run or sponsored by SF State or its auxiliary organizations; or any students, student assistants, or volunteers working in any YOUTH PROGRAM administered or sponsored by SF State or its auxiliary organizations.

**Minor:** Any person under the age of 18.

### IV. Policy Statement

This directive provides the University's minimum standards and expectations of Youth Program Personnel when interacting with minors through University-run or -affiliated Youth Programs. Youth Programs vary in size and scope and the University encourages Program Directors to adapt their own specific policies and procedures, and, in consultation with Enterprise Risk Management, tailor them to their individual program(s) in addition to the minimum requirements outlined below. All Youth Program

Personnel are responsible for understanding their obligation to report any instances of known or suspected abuse or neglect of minors and complying with this Policy.

This directive does not apply to minors enrolled at SF State, nor does it apply to minors attending Campus events under the supervision of a guardian or chaperone (e.g., K-12 school teacher, parent). University faculty, staff and others who only interact in academic classes or other traditional academic settings with matriculated SFSU students who are under the age of 18 are not obligated to undergo training or background checks as required by this directive.

### **Youth Program Approval and Youth Protection Program Administrative Oversight**

Enterprise Risk Management is responsible for approval of youth programs and administrative oversight of the Youth Protection Program.

### **Annual Directive Review**

This directive shall be reviewed annually for relevance, utility, and necessity and modified as appropriate.

### **Youth Program Requirements**

Youth Programs and Youth Program Personnel working with Youth Programs must comply with the Youth Protection Program Guide, which includes standards for:

- Youth program registration
- Compliance with CSU screening and background check requirements
- Youth Program Personnel Code of Conduct requirement
- Youth protection training
- Reporting and responding to allegations of abuse or neglect
- Program-specific manual/guidelines

Non-compliance of the Youth Protection Program Guide or this directive may result in discipline, up to and including termination of employment or volunteer duties.

### **Mandatory Reporting Requirements**

All employees and volunteers involved in Youth Programs must abide by California state law and reporting requirements as they pertain to suspected child abuse or neglect.

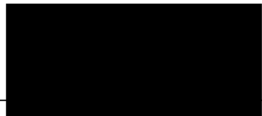
Whenever an employee or volunteer, in their professional capacity or within the scope of their employment or volunteer duties, has knowledge of or observes a person under the age of 18 years who they know or reasonably suspect has been the victim of child abuse or neglect, they must report the suspected incident. Failure to report may result in criminal penalties. Suspected violations of law must be reported to the University Police Department or other appropriate agency. For purposes of this reporting responsibility, "abuse" includes, but is not limited to:

- **Physical abuse**, meaning physical injury other than by accidental means inflicted on a child (Penal Code § 11165.6)
- **Sexual assault**, including sex acts with a child, intentional masturbation in the presence of a child, child molestation, and lewd or lascivious acts with a child under 14 years of age or with a child under 16 years of age if the other person is at least ten years older than the child (Penal Code § 11165.1(a)(b))
- **Sexual exploitation**, including acts relating to child pornography, child prostitution, or performances involving obscene sexual conduct by a child (Penal Code § 11165.1(c))
- **Statutory rape** involving sexual intercourse between a child under 16 years of age and a person 21 years of age or older, which is also a form of "sexual assault" (Penal Code §§ 261.5(d) and 11165.1(a))
- **Neglect** meaning the negligent treatment or maltreatment of a child by a parent, guardian or caretaker under circumstances indicating harm or threatened harm to the child's health or welfare (Penal Code § 11165.2)
- **Willful harming or injuring or endangering a child**, meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer, unjustifiable physical pain or mental suffering, or causes or permits a child to be placed in a situation in which the child or child's health is endangered (Penal Code § 11165.3)
- **Unlawful corporal punishment**, meaning a situation in which any person willfully inflicts upon a child cruel or inhuman corporal punishment or a physical injury (Penal Code § 11165.4)

All Youth Program Personnel are required to comply with mandatory reporting requirements under this policy, any implementing procedures and under the law.

Detailed information, including categories of CSU employees and volunteers who are designated as Mandated Reporters, reporting requirements and procedures, and reporting forms is provided in **Executive Order 1083 (revised July 21, 2017) Mandatory Reporting of Child Abuse and Neglect**

To the extent there is a conflict between this directive and a state or federal law or to the extent that state or federal law already regulate an activity (e.g., licensed childcare facilities, institutional review board (IRB)-approved research), the state or federal law will supersede this directive.

  
Lynn Mahoney, President

02/26/2021 | 4:15 PM PST

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Date