

**UNIVERSITY OF CALIFORNIA, DAVIS
AUDIT AND MANAGEMENT ADVISORY SERVICES**

**Protection of Minors
Audit and Management Advisory Services Project #16-68**

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MANAGEMENT SUMMARY

Background

At the University of California, Davis (UC Davis), thousands of minors participate annually in a wide variety of activities including summer camps, childcare, and events hosted by external organizations using University facilities. Organizations working with children have a moral and legal responsibility to protect children within their care, custody, and control. In general, the term “child protection” describes the philosophies, policies, standards, guidelines and procedures an organization has in place to manage its duty to protect children in its care.

Several years ago, the University of California implemented a systemwide policy based on California’s Child Abuse and Neglect Reporting Act (“CANRA”) §§ 11164-11174.3. CANRA requires employers to identify “Mandated Reporters” and secure, as a condition of employment, acknowledgement of their status and reporting obligations. Mandated Reporters are individuals required to report observed or suspected child abuse or neglect to designated law enforcement or social service agencies. As such, CANRA is an after-the-fact reporting measure. It is not proactive in protecting and preventing harm to the minors in our care. Abuse statistics are startling:

- Approximately 1 in 6 boys and 1 in 4 girls are sexually abused before the age of 18.¹
- 1 in 10 public school children, accounting for 4.5 million students, have experienced sexual misconduct by an educator.²

The consequences of abuse can be catastrophic. *A single incident of abuse can cause a lifetime of pain and suffering for a child or vulnerable adult and irreparable damage to an organization’s reputation, financial stability, and insurability².* Given the risks involved, UC Davis must be committed to providing an environment that prioritizes the safety of children entrusted in its care.

Purpose and Scope

As part of the planned reviews for FY2016-17, Audit and Management Advisory Services (AMAS) examined the protection of minors on campus. The focus of the review was to identify campus activities that include minors, determine compliance with laws and requirements, and evaluate the adequacy of policies and procedures designed to protect minors on campus.

Our fieldwork consisted of understanding the population of youth and related activities through survey data, interviews, and research. We also explored the policies, procedures, and best practices of several well-known UC Davis youth programs as well as those at other institutions of higher education, to identify standards and best practices.

Conclusion

¹ <https://www.nsopw.gov/en-US/Education/FactsStatistics>

² <https://website.praesidiuminc.com/wp/>

UC Davis is first and foremost an institution of learning, teaching, research and public service. The many youth activities provided by and at UC Davis are a natural extension of this mission. With this comes the responsibility to protect the minors participating in these activities. We observed opportunities for improvement to ensure UC Davis has adequate protections in place.

We do not know the full magnitude of how many activities involving minors occur on campus nor the actual number of minors involved. There is no comprehensive list or central database with this information, nor a campus wide policy requiring this.

Other than CANRA and the "University of California Policy on Minors in Laboratories and Shops," there is no campus policy established promoting the safety and protection of minors participating in activities on campus. No defined procedures exist for screening, training, and tracking adults working with minors. The campus has no unit or person with assigned oversight responsibility for the protection of minors or the related compliance activities on campus. Instead, the oversight and responsibility lies with the individual unit or department hosting the activity. Additionally, there is no oversight or monitoring of outside organizations conducting youth activities on campus.

A single incident of non-compliance or failure to protect a minor could have potentially significant financial and reputational consequences.

The UC Davis Compliance and Risk Council (the Council) recognizes the importance of protecting youth and managing the associated processes and risks. In December 2016, the Council completed a comprehensive campus risk assessment and identified protection of youth as the top ranking mission critical risk. We support the Council's recommendation for Risk Management Services to take the lead in building policy and establishing best practices and processes for managing the protection of minors on campus.

OBSERVATIONS, RECOMMENDATIONS, AND MANAGEMENT CORRECTIVE ACTIONS**A There is no process to identify and track UC Davis sponsored youth programs or the actual number of minors served by them.**

Numerous activities intended specifically for minors occur at UC Davis: summer camps, sports camps, recreational events, childcare, laboratory research, mentoring programs, campus tours, fieldtrips, K-12 outreach, and community outreach. Additionally, outside organizations hold youth programs on campus; for instance, Davis Shakespeare Ensemble and UCA/NCA³ cheer camp.

There is no comprehensive list or central database identifying all the camps, programs, and events involving minors on campus, nor is there complete awareness of the actual number of minors on campus and in what activities they are participating. With no mechanisms in place to collect this information, we do not know the full magnitude of the number of youth under our care or fully recognize our exposure.

Based on interviews, survey data, and other analysis, we conservatively estimate the number of minors participating in organized youth events on campus at more than 33,000 per year. We have an obligation to protect the minors in our care and if we cannot identify where the youth are and who is supervising them, both the youth and UC Davis are at greater risk.

In December 2016, the UC Davis Compliance and Risk Council (the Council) completed a comprehensive risk assessment of a broad range of risks that could impact our campus. Youth Protection was identified as the top ranking mission critical risk. The Council recognizes that the University carries significant legal and reputational risk with every youth interaction, and that there is a higher standard of care that is expected and a lower tolerance for failure. The Council recommended that Risk Management take the lead in building and implementing campus wide policy and procedure. This includes requiring youth activities to report into a central repository.

Recommendation

We concur with the Council's proposal that requires youth activities to report into a central repository for the purpose of tracking youth camps, programs, and other activities, as well as the number of youth under our care at any given time.

Management Corrective Actions

As charged by the Council, Risk Management will identify stakeholders to participate on a Youth Protection Workgroup. The Workgroup will convene and be formally charged by September 15, 2017.

To address this recommendation, by June 15, 2018, the Workgroup will:

- Establish a central repository for tracking UC Davis linked youth activities.
- Determine what information should be reported and the process to report it.
- Include a methodology to routinely monitor the activities with minors and ensure the central repository is complete.

³ NCA, the National Cheerleader's Association, and UCA, the Universal Cheerleader's Association. NCA

B Oversight for youth programs resides within the units hosting the program rather than within a centralized campus department.

UC Davis does not have an identified unit or person with campus-wide oversight responsibility for the protection of minors or related compliance activities. Instead, the oversight and responsibility lies with the individual unit or department hosting the activity.

We asked several UC Davis youth program directors how they ensured compliance with policy and laws pertaining to the protection of minors. Their responses included experience, expertise, best practices, other youth leaders, and the campus department of Safety Services. A variety of information sources were identified with very little commonality between the programs. We consistently heard that UC Davis is lacking guidelines for working with, and safety of, youth; and there should be some sort of campus level oversight of youth activities, a person or a group to reach out to for guidance.

Recommendations

We concur with the Council's proposal that Risk Management assume the lead of the special committee charged with enacting policy that will set best practices at a campus-wide level for training, personnel review, process, oversight, and record keeping.

Management Corrective Actions

By June 15, 2018, the Youth Protection Workgroup will recommend a person or unit to have the responsibility for:

- Campus-wide oversight of the protection of minors.
- Implementing best practices for the protection of minors.
- Monitoring for compliance with the policies and practices implemented.

C There is no policy or procedure established for the safety and protection of minors participating in activities on campus.

A UC Presidential policy based on CANRA (Child Abuse and Neglect Reporting Act (CANRA) §§ 11164-11174.3) was implemented several years ago identifying University employees who are Mandated Reporters and more broadly encouraging all members of the University community who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a University facility or perpetrated by University personnel, to promptly report the concern to appropriate external and University officials. CANRA however, is an after-the-fact reporting measure. It is not proactive in protecting and preventing harm to the minors in our care.

Other than CANRA and PPM 290-32, *Minors in Labs and Shops*, there is no campus wide policy established promoting the safety and protection of minors participating in activities on campus.

Each program director with whom we spoke has their own manual or best practices document; however, the majority of them indicated that UC Davis is lacking guidelines for working with, and safety of, youth. Best practices at other universities include policies, procedures, guidance, and resources.

UC Davis' risk of non-compliance, incidents, or reputational damage increases in the absence of robust policies and processes to manage the risks associated with activities involving minors.

Recommendation

We concur with the Council's proposal to enact policy that will set best practices at a campus-wide level for managing youth camp activities, training, personnel review, process, oversight, and record keeping.

Management Corrective Actions

By June 15, 2018, the Youth Protection Workgroup will:

- Create a policy that establishes minimum standards and best practices for pro-actively protecting youth and managing youth activities campus-wide.
- Develop a plan to establish appropriate campus structures and processes to implement and monitor these standards and best practices.

D There are no defined, standardized procedures for screening, training, and tracking adults working with minors.

*An estimated 60% of perpetrators of sexual abuse are known to the child but are not family members, e.g., family friends, babysitters, child care providers, neighbors.*⁴ Offenders must first have access to their victims. How can the University prevent individuals who should not be in a position of trust, from having access to youth participating in activities on campus? Praesidium states that "While criminal background checks are necessary, less than 5 percent of offenders have criminal records." In addition to a comprehensive screening process, Praesidium's Safety Equation recommends:

- Training for employees and volunteers should include how to recognize suspicious or inappropriate interactions or policy violations and suspected abuse, and how to respond effectively.
- Effective monitoring and supervision of employees and volunteers, reduces the likelihood of potential offenders acting on their impulses because they face detection.

In general, the youth program directors we talked with conduct applicant screening and background checks for most of the adults working with the youth in their programs. After hire, many of the programs offered

training to the adults focusing on protecting minors in their care. However the type, method, and tracking of this training varied between programs. We observed robust policies and best practices at other universities that require specific screening and training prior to beginning any assignment involving minors. Without these safeguards on a campus wide level, the University may unknowingly be giving offenders access to minors.

Recommendations

Establish the minimum training and documentation requirements for any adult or minor in a position of program responsibility and having regular contact with youth. We recommend establishing best practices, beyond the CANRA requirements and simple acknowledgement document currently in place, to include thoughtful screening, background checks, and appropriate prevention training for all. This includes faculty, staff, students, and volunteers. A process for tracking and monitoring the completion of these practices should be established.

Management Corrective Actions

By June 15, 2018, the Youth Protection Workgroup will:

⁴ <https://www.nsopw.gov/en-US/Education/FactsStatistics>

- Establish the minimum screening, training and documentation requirements for any adult or minor who is in a position of program responsibility and has regular contact with youth.
- Identify a plan to track and monitor compliance with these requirements.

E UC Davis has no structured oversight of outside organizations hosting youth activities on campus.

Outside organizations using UC Davis facilities may be perceived as connected with the University due to location or affiliation, yet we do not control the policy and procedures they have in place to safeguard the youth participating in their programs. We have an obligation to safeguard youth participating in activities physically located on campus or affiliated with UC Davis. Without any structured oversight of outside organizations hosting youth activities on campus, our risk of exposure may near or equal that of UC Davis sponsored youth activities.

Recommendation

Consider imposing requirements for non-affiliate organizations using our facilities to demonstrate a Youth Protection policy and adherence to best practices.

Management Corrective Actions

By June 15, 2018, the Youth Protection Workgroup will establish standards and procedures for external youth organizations using our facilities, to ensure appropriate protections for both the youth participants and UC Davis.
