AUDIT AND ADVISORY SERVICES

Youth on Campus
Audit
Project No. 13-613

October10, 2013

Prepared by:

_____

Desmond Hamilton
Auditor-in-Charge

Reviewed by: Approved by:

_____   _____

Jaime Jue   Wanda Lynn Riley
Associate Director   Chief Audit Executive

AUDIT AND ADVISORY SERVICES   611 UNIVERSITY HALL #1170
Tel: (510) 642-8292   BERKELEY, CALIFORNIA 94720-1170

October 10, 2013

Linda Morris Williams
Associate Chancellor
Chancellor's Immediate Office

Associate Chancellor Williams:

We have completed our audit of Youth on Campus as per our annual audit plan in accordance with
the Institute of Internal Auditors' *Standards for the Professional Practice of Internal Auditing* and
the University of California Internal Audit Charter.

The aforementioned and other observations with management responses and action plans are
expounded upon in the accompanying report. Please destroy all copies of draft reports and related
documents. Thank you to the staff of the Office of Ethics, Risk, and Compliance Services, the Early
Childhood Education Program, the Lawrence Hall of Science, Recreational Sports, and the Haas
School of Business for their cooperative efforts throughout the audit process. Please do not hesitate
to call on Audit and Advisory Services if we can be of further assistance in this or other matters.

Respectfully reported,

Wanda Lynn Riley
Chief Audit Executive

cc: Deputy Chief Ethics, Risk and Compliance Officer Barbara VanCleave Smith
        Risk Manager Andrew Goldblatt
        Senior Vice President and Chief Compliance and Audit Officer Sheryl Vacca
        Assistant Vice Chancellor and Controller Delphine Regalia

University of California, Berkeley
Audit and Advisory Services
13-613 Youth on Campus
Table of Contents

OVERVIEW

Executive Summary

This audit was designed to appraise current campus governance, risk, and control activities related to the engagement of youth on campus and in campus sponsored activities. There are currently no systemwide or campus polices that establish specific policies or guidelines on youth who come to campus. We understand that such policies are under consideration and development at both the systemwide and campus level.

Management of programs that involve youth is the responsibility of individual departments and units, without coordination or oversight by central campus administration. As a result, our audit focused on assessing the current state of governance, risk and controls for a sample of programs handling youth. We compared our understanding of management's efforts in these areas against better practices promulgated externally to identify potential opportunities for improvement.

We identified three areas with opportunities for improvement. First, although programs in our sample may have certain program elements aligned with better practices in external guidance, no program consistently aligned with better practices across known potential risk areas. As a result, we observed that there is an opportunity to develop campus-level guidelines, standards, or policy that would cover minimum requirements and standards for managing programs with youth. Establishment of minimum standards would help to ensure a consistent level of governance, risk, and control procedures across individual programs.

Second, in our discussions with management, they often cited that their programs developed internal practices through individual efforts rather than through the benefit of collaboration or knowledge sharing among peer programs across the campus. As a result, new programs involving youth do not have access to the benefit of a central location for successful local practices to emulate and must therefore "reinvent the wheel" without assurances of success. We, therefore, observed an opportunity for the development of a forum that would bring together programs and management that share an interest to provide healthy and safe environments for youth coming to campus. With endorsement and support from senior management, such a forum would likely be effective in sustaining long-term improvements in central oversight, coordination and accountability.

Third, a number of third-party community groups host conferences in campus student housing which involve youth participants. Typically the campus does not serve any role for these conferences other than to provide the use of campus facilities under agreement, generally residential dormitories, conference rooms, and dining facilities. Given the unique risks related to youth programs, we identified an opportunity for Residential and Student Service Programs (RSSP) to work with the Office of Legal Affairs to enhance standard language in conference contracts for third-party programs bringing youth on campus. In the absence of such language, the campus may be exposed to additional risk and liability related to the action of third-parties while they are on campus with youth. This language could be used by other programs or departments, other than RSSP, that coordinate third-party programs bringing youth on campus.

Source and Purpose

In light of recent events involving youth on the premises of a large state supported university on the east coast, this audit was designed to appraise current campus governance, risk, and control activities related to the engagement of youth on campus and in campus sponsored activities.

Although there are individual policies that may address youth participating in individual campus programs, there are currently no systemwide or campus level polices that establish specific policies or guidelines on youth who come to campus. We understand that such policies are under consideration and development at both the systemwide and campus level. However, there were no such policies during our period of fieldwork.

Scope and Approach of the Audit

Management of programs that involve youth is the responsibility of individual departments and units, without coordination or oversight by central campus administration. As a result, our audit focused on assessing the current state of governance, risk and controls for a sample of programs handling youth. We compared our understanding of management's efforts in these areas against better practices promulgated externally to identify potential opportunities for improvement.

Currently there is no central repository containing information on all campus programs or activities that engage youth on the campus. As a result, we conducted an extensive review of public websites for campus programs that would likely engage youth. Altogether we identified over 250 such programs, but there may be additional programs that were not identified and included in our review.

For the programs we identified, we noted the hosting campus department or program, the age ranges of the participants, typical enrollment size, and the duration of the program. We selected a sample of programs to represent different program purposes, age ranges of participants, and vice chancellor areas:

- Early Childhood Education Program – a licensed child day care center that hosts approximately 240 youth ranging from the ages of 3 months to 5 years old;
- Lawrence Hall of Science – a science education and museum facility that hosts various youth programs for ages 3 to 18 years old;
- Recreational Sports – a sports activity program that hosts various youth programs for ages 10 to 18 years old; and
- Young Entrepreneurs at Haas – a business education program that hosts youth from the ages of 12 to 18 years old.

We excluded youth programs in Intercollegiate Athletics based on plans to review activities by Risk Serivces and Ethics, Compliance and Audit Services (ECAS) at the Office of the President in the wake of recent events at a large state supported university on the east coast. We also excluded programs where youth serve as human research subjects because of the protocols and protections related to the treatment of human subjects in research.

After selecting our sample, we conducted management interviews to understand their current practices relative to various risk areas identified in external literature and by our internal risk assessment procedures. We compared practices across campus programs to identify potential opportunities for knowledge sharing or pooling of available resources. There are likely other noteworthy practices that may exist in programs that we did not include in our sample.

We also compared management's actions with better practices described in external literature and guidance such as from the U.S. Centers for Disease Control and Prevention, American Camps Association, California Department of Public Health, Boy Scouts of America, and recent internal policies established at Pennsylvania State University.

Since these guides reflect better practices rather than minimum standards and as such may not always be applicable to our campus programs, we focused our analysis on identifying potential opportunities for improvement rather than general compliance with the external guides.

Background Information

During our planning procedures, we sought to understand the legal and regulatory requirements related to hosting youth on university campuses. We noted that there are laws related to mandatory reporting of potential child sexual abuse and neglect such as California's Child Abuse and Neglect Reporting Act (CANRA), but this law is not exclusively directed to universities. The central campus human resources unit coordinated recent compliance efforts with respect to CANRA in late 2012 and early 2013. Similarly, the campus is subject to laws and regulations related to building and life safety matters that are addressed by the Office of Environment, Health & Safety (EH&S) but are not limited to university programs involving youth.

In the absence of a robust set of laws and regulations for university youth programs, we turned to organizations that have promulgated standards and principles on managing programs for youth. We selected the following organizations and their standards and principles in large part because of their prior experience or collective knowledge:

- U.S. Centers for Disease Control and Prevention, "Preventing Child Sexual Abuse Within Youth-serving Organizations: Getting Started on Policies and Procedures"
- California Department of Public Health, "Laws and Regulations Relating to Organized Camps"
- American Camps Association, "Accreditation Process Guide"
- Boy Scouts of America, "Youth Protection and Adult Leadership"
- Pennsylvania State University, "Policy AD39 Minors Involved in University-Sponsored Programs or Programs Held at the University and/or Housed in University Facilities"

We validated our selection and use of these external criteria with the units in our sample who generally agreed to their appropriateness as a point for comparison.

Summary Conclusion

We identified three areas with opportunities for improvement. First, we identified programs in our sample that had program elements that aligned with better practices in external guidance such as

robust electronic record keeping, evaluating and monitoring program volunteers, and physically tracking youth during outdoor activities. However, no program consistently aligned with better practices across known potential risk areas. As a result, we observed that there is an opportunity to develop campus-level guidelines, standards, or policy that would cover minimum requirements and standards for managing programs with youth. Establishment of minimum standards would help to ensure a consistent level of governance, risk, and control procedures across individual programs.

Second, in our discussions with management, they often cited that their programs developed internal practices through individual efforts rather than through the benefit of collaboration or knowledge sharing among peer programs across the campus. As a result, new programs involving youth do not have access to the benefit of a central location for successful local practices to emulate and must therefore "reinvent the wheel" without assurances of success. We, therefore, observed an opportunity for the development of a forum that would bring together programs and management that share an interest to provide healthy and safe environments for youth coming to campus. With endorsement and support from senior management, such a forum would likely be effective in sustaining long-term improvements in central oversight, coordination and accountability.

Third, a number of third-party community groups host conferences in campus student housing which involve youth participants. Typically the campus does not serve any role for these conferences other than to provide the use of campus facilities under agreement, residential dormitories, conference rooms, and dining facilities. Given unique risks related to youth programs, we identified an opportunity for RSSP to work with the Office of Legal Affairs to enhance standard language in conference contracts for third-party programs bringing youth on campus. In the absence of such language, the campus may be exposed to additional risk and liability related to the action of third-parties while they are on campus with youth. This language could be used by other programs or departments, other than RSSP, that coordinate third-party programs bringing youth on campus.

SUMMARY OF OBSERVATIONS & MANAGEMENT RESPONSE AND CORRECTIVE ACTION PLAN

Opportunity for Campus-Level Guidelines, Standards, or Policy

Through our management interviews, we noted sincere and diligent efforts by unit and program management to provide a safe and healthy environment for participating youth. We identified internal practices that align with better practices promulgated in external guidance. However, we did not find that programs in our small sample had practices that consistently aligned with better practices across known potential risk areas. In our interviews, management often expressed that it would be helpful to have clearer guidelines, standards or a potential campuswide policy that would cover minimum requirements and standards for managing programs with youth. Establishment of minimum standards would help ensure a consistent level of governance, risk and control procedures across individual programs.

Such guidelines, standards, or policy would likely address, but not necessarily be limited to, the following types of topics:

Subject/Topic	Potential Areas for Guidelines, Standards or Policy to Address
Screening of Individuals Working with Youth	• Background checks on hire or changes in responsibilities for working with youth • Subsequent periodic background checks • Review of background checks • Supervision of individuals not subject to background checks (i.e., volunteers) • Other screening procedures
Mandatory Reporting	• Designated reporters for the campus • Designated reporters for individual programs • Training for mandatory reporters • Training for individuals not designated as mandatory reporters • Developing an incident response plan for the campus • Developing an incident response plan for individual programs
Emergency Preparedness	• Developing an emergency response plan for youth program participants • Periodic drills on the emergency response plan • Staff training in CPR and/or first aid • Protocols on use of internal (i.e., University Health Services) vs. external emergency services

	• Obtaining medical waivers and parental permission
Staff/Volunteer/ Participant Ratios	• Establishing sufficient staffing so that youth are not isolated in one-on-one situations with adults
Privacy	• Use of images or likenesses of program participants in publications, websites, or other external-facing materials • Medical information • Parent financial information such as credit cards or bank accounts
Other Potential Topics	• Record keeping and retention • Accessibility and accommodation for special needs • Programs involving overnight stays on campus • Access to internet or potentially adult material

Management Response and Proposed Action Plan

The systemwide policy on Reporting Child Abuse and Neglect (CANRA) was issued on June 13, 2013. A draft campuswide policy on Activities Involving Minors is under review pending feedback from campus stakeholders and we anticipate its issuance in Janaury 2014.. The campus policy will address many of the "Potential Areas for Guidelines, Standards, or Policy to Address" listed above, although not all of them and not in exhaustive detail; the campus has well over 200 programs involving minors and they vary too much in size, duration, purpose, and nature for one policy to fit all their particular circumstances. The intention of the policy is to establish minimum standards for activities involving minors to help ensure a consistent level of governance, risk, and control procedures across individual programs.

Opportunity to Coordinate, Collaborate and Knowledge Share Across Individual Programs

In our discussions with management, they often cited that their programs developed through individual efforts rather than through the benefit of collaboration or knowledge sharing among peer programs across the campus. As a result, new programs involving youth do not have access to the benefit of a central location for successful local practices to emulate and must therefore "reinvent the wheel" without assurances of success.

We therefore observed an opportunity for the development of a forum that would bring together programs and management that share an interest to provide a healthy and safe environment for youth coming to campus. This forum could be formal, such as an extension of an existing campus committee, or informal, such as an ad hoc working group. However, we believe that a more formal approach, with endorsement and support from senior management, would likely be more effective in sustaining long-term improvements in central oversight, coordination and accountability.

Potential areas for coordination, collaboration, and knowledge sharing might include, but not be limited to, the following:

Subject/Topic	Potential Areas for Coordination, Collaboration, and Knowledge Sharing
Program Development & Operations	• Sharing better practices on developing and operating programs with youth participants
Information Systems	• Development and implementation of common systems or shared platforms to track program participation by youth • Ensuring security and privacy of participant information
Document Retention	• Centralizing or aligning document retention practices related to youth participants
Peer Reviews	• Peer reviews on compliance with better practices on managing youth programs
Program Development & Operations	• Sharing better practices on developing and operating programs with youth participants
Other Potential Topics	• Volunteer or staff onboarding training • CPR & first aid • Mandatory reporters and reporting protocols • Internal collaboration and knowledge sharing portals or websites

Management Response and Proposed Action Plan

*The Compliance and Enterprise Risk Committee (*CERC) established a Subcommittee on Minors in August 2012. The Subcommittee will be used to launch a forum that will bring together programs and management that share an interest and responsibility in activities involving minors. The forum will be coordinated by the CERC Subcommittee on Minors chair and will be reviewed on an annual basis for assessment of campus engagement and impact..

Improve Standard Contract Language for Third-Parties Bringing Youth on Campus

The Conference Services unit in RSSP makes student housing accommodations available to individuals and community groups during the summer. A number of third-party community groups host conferences in campus student housing which involve youth participants. Typically the campus does not serve any role for these conferences other than to provide the use of campus facilities under agreement, generally residential dormitories, conference rooms, and dining facilities.

Given unique risks related to youth programs, we identified an opportunity for RSSP to work with the Office of Legal Affairs to enhance standard language in summer conference contracts for third-party programs bringing youth on campus. Such language could clarify responsibilities of third-parties when hosting youth on campus, seek necessary representations, warranties, indemnification, or release from liability or claims. It could also communicate campus requirements related to mandatory reporting, insurance coverage, background checks on program staff, and supervision of youth while on campus, etc. In the absence of such language, the campus may be exposed to additional risk and liability related to the action of third-parties while they are on campus with youth. This language could be used by other programs or departments, other than RSSP, that coordinate third-party programs bringing youth on campus.

Management Response and Proposed Action Plan

A draft campus policy on Activities Involving Minors is currently under review (see prior management response) and includes a section on "Contracts with non-University of California organizations bringing minors to campus for extended visits."