



Youth Protection Addendum for NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITIES (COMMUTER)

This ADDENDUM sets additional terms related to NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITIES between the AUTHORIZING UNIT and the organization listed below, subsequently referred to as the THIRD PARTY. A NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY is an event, operation, endeavor, or activity intended for participation of minors that is organized and operated by a THIRD PARTY and takes place on property owned, rented, or managed by UW-Madison. THIRD-PARTY STAFF are not permitted to provide custodial care for minors during a NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY. Minors participating in Commuter NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITIES must not be permitted to stay overnight in residence halls that are owned or operated by UW-Madison as part of the NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY.

Third-Party Youth Activity Information

Organization name: _____

Organization address: _____

Website: _____

Name of third-party contact person: _____

Telephone number: _____ Email: _____

Activity dates: _____

Primary location: _____

The undersigned hereby certifies that s/he is an authorized representative of the THIRD PARTY, and that the THIRD PARTY understands and agrees to abide by the requirements outlined below for operating a THIRD-PARTY YOUTH ACTIVITY at UW-Madison.

Printed name: _____

Signature: _____

Date: _____

Authorizing Unit (Information below to be completed by UW-Madison)

Authorizing unit at UW-Madison: _____

Name of authorizing unit contact at UW-Madison: _____

Youth Protection Requirements

THIRD PARTIES offering NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITIES at the University of Wisconsin-Madison (UW-Madison) campus in Madison, Wisconsin, or on other property owned, rented, or managed by UW-Madison throughout Wisconsin, must maintain minimum youth protection standards as outlined in the ADDENDUM below. Failure to comply with these requirements may result in contract termination along with associated financial and legal liability. Violations may also result in THIRD PARTIES being prohibited from engaging in future activities at UW-Madison and other Universities of Wisconsin institutions.

1. All NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITIES must comply with relevant UW-Madison and Universities of Wisconsin policies and procedures and relevant state and federal law. Relevant policies include, but are not limited to, [UW-1045 Youth Protection](#) (see Addendum A); [UW-146 Sexual Harassment and Sexual Violence](#); [Regent Policy Document 14-6 Discrimination, Harassment, and Retaliation](#); and [UW-6009 Inclusive Facilities Policy and Procedures for All Buildings](#).
2. Conduct that violates the law, university policy, or UW System policy is not tolerated in NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITIES. Prohibited conduct includes, but is not limited to, bullying, child abuse, child sexual abuse, discrimination, emotional abuse, grooming, harassment, hazing, inappropriate use of technology, indecent exposure, neglect, physical abuse, sexual assault, sexual exploitation, sexual harassment, stalking, manufacture of methamphetamines around a child, and other illegal activities. (See [UW-1045 Youth Protection](#); [UW-146 Sexual Harassment and Sexual Violence](#); [Regent Policy Document 14-6 Discrimination, Harassment, and Retaliation](#); [Wis. Stat. § 48 Children's Code](#); and [Wis. Stat. § 948 Crimes Against Children](#) for examples of prohibited behavior.)
3. Record Retention: Records of compliance with this ADDENDUM must be maintained by the THIRD PARTY for a minimum of seven years following the conclusion of the contract period. All compliance information is subject to audit by UW-Madison within this seven-year period. An official request for information outside of the audit process may also be made for business purposes (e.g., liability claims) during the seven year period by the Office of Youth Protection or the Office of Legal Affairs.
4. Records of STAFF: All THIRD PARTIES offering NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITIES must collect and retain the following information for all STAFF. STAFF include adults employed, contracted, volunteering, or otherwise engaged in the operations of the NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY on behalf of the THIRD PARTY.
 - a. Name
 - b. Contact information
 - c. Completion dates of screening and training requirements; this includes maintaining records of the name and contact information for vendors conducting screening or training

5. Screening
 - a. The THIRD PARTY must ensure all STAFF pass a criminal background check prior to the start of the NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY.
 - i. Criminal background checks must be conducted on each STAFF member by the THIRD-PARTY within the four-year period immediately prior to the start of the NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY, assuming that there has been no break in service. Criminal background checks must be conducted annually on staff members with breaks in service (e.g., a staff member who only works for the THIRD-PARTY during the summer months would have a break in service).
 - b. Criminal background checks must meet minimum standards found in [UW-5014 Criminal Background Checks](#) as outlined below.
 - i. Social security number validation
 - ii. Check of convictions and pending charges through the Wisconsin Circuit Court
 - iii. Check of criminal convictions in counties of residence outside of Wisconsin
 - iv. National Sex Offender Registry check
 - v. National criminal background check database check
 - b. At minimum, THIRD PARTIES must prohibit individuals who have records or current charges associated with the following crimes from serving as STAFF in the NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY:
 - i. violent crimes against persons or animals,
 - ii. crimes against nature where children are affected,
 - iii. crimes involving children as victims, and/or
 - iv. possession or facilitation of child pornography.
 - c. THIRD PARTIES must also prohibit individuals from serving as STAFF in the NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY if they are known to:
 - i. have engaged in any sexual violence or sexual harassment,
 - ii. be under current investigation for involvement in sexual violence or sexual harassment, or
 - iii. have left prior employment during an active investigation of allegations of sexual violence or sexual harassment that were made against them.
6. Training: All STAFF who will interact with YOUTH PARTICIPANTS as part of the NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY must receive training on:
 - a. UW-Madison's THIRD-PARTY YOUTH ACTIVITY Incident Reporting Requirements document.
 - b. Supervision standards as outlined in Sections 7 and 8 and emergency response procedures (see Section 11).
7. Responsibility for Custodial Care: A separate organization or organizations (e.g., a different nonprofit, school, or other organization) must assume responsibility for custodial care of the YOUTH PARTICIPANTS during the NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY, when YOUTH PARTICIPANTS are not under the direct care and control of a parent/guardian or other individual designated by the parent/guardian. The THIRD PARTY must set supervision expectations in writing with the organization(s) responsible for custodial care as outlined below. THIRD PARTIES

are required to retain these records as noted in Section 3. A representative of the organization responsible for custodial care must agree (in writing) to:

- a. Maintain custodial care of YOUTH PARTICIPANTS throughout the duration of the NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY except when YOUTH PARTICIPANTS are under the direct care and control of a parent/guardian or other individual designated by the parent/guardian. This includes taking responsibility for the behavior of YOUTH PARTICIPANTS during this time period.
 - i. All adults associated with the organization responsible for the custodial care of YOUTH PARTICIPANTS must abide by university supervision standards, which prohibit one-on-one interactions and include the requirement that interactions with YOUTH PARTICIPANTS be observable and interruptible.
 - ii. NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY STAFF and UW-Madison have the right to end youth activities early if inappropriate behavior occurs.
- b. Conduct background checks on all adults associated with the organization who are responsible for the custodial care of minors prior to start of the NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY.
- c. Maintain supervision ratios as outlined below. A minimum of two adults is required.

Age of YOUTH PARTICIPANTS	Supervision Ratios (STAFF: YOUTH PARTICIPANT)
In all situations Ages 6 and under	1 STAFF member to every 4 YOUTH PARTICIPANTS (or fraction thereof)
In all situations Ages 7 through 9	1 STAFF member to every 10 YOUTH PARTICIPANTS (or fraction thereof)
In a classroom setting and transitioning between buildings Ages 10 and above	1 STAFF member to every 18 YOUTH PARTICIPANTS (or fraction thereof)
In all situations outside of those listed directly above Ages 10 and above	1 STAFF member to every 10 YOUTH PARTICIPANTS (or fraction thereof)

- d. Secure permission from parents or guardians for all minors in attendance prior to the start of the NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY.
8. Interactions with minors: All STAFF and adults providing custodial care from the separate organization(s) must abide by the following.
- a. All interactions with YOUTH PARTICIPANTS in NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITIES, including online interactions, must be observable and interruptible. One-on-one contact with YOUTH PARTICIPANTS is prohibited except as outlined below:
 - i. There is a familial relationship between the adult and YOUTH PARTICIPANT.
 - ii. One-on-one tutoring occurs in an instructional or research setting/activity or other learning experience where one-on-one interaction (e.g., music lessons) is required for an educational program.
 1. Interactions must remain observable and interruptible at all times.
 2. Parents/guardians must be informed that program design will include one-on-one interactions.
 - iii. An emergency warrants it.

- b. Additional prohibited conduct (identified in [UW-1045 Youth Protection](#)) for all NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITIES includes:
 - i. Infringement on the privacy of YOUTH PARTICIPANTS in situations where they are changing clothes or taking showers, except in situations when a health or safety exception is necessary and appropriate;
 - ii. Showering, bathing, or undressing with or in the presence of YOUTH PARTICIPANTS;
 - iii. Photographing or recording in shower houses, restrooms, locker rooms, or other areas where privacy is expected by YOUTH PARTICIPANTS; and
 - iv. Consumption of alcohol or illegal drugs while providing custodial care or otherwise interacting with YOUTH PARTICIPANTS.
- 9. Requirements concerning other governing authorities: When applicable, observance of additional youth protection requirements set by relevant bodies (e.g., NCAA, U.S. Center for SafeSport) is required.
- 10. Reporting requirements:
 - a. In emergency situations where an individual is in immediate danger, NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY STAFF must contact emergency services (e.g., call 911).
 - b. All NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY STAFF are also required to monitor and report abuse, accidents, and other concerns according to UW-Madison's THIRD-PARTY YOUTH ACTIVITY Incident Reporting Requirements document. This includes, but is not limited to, reporting:
 - a. Any suspected physical abuse, neglect, or sexual abuse;
 - b. Sexual harassment or sexual violence;
 - c. Incidents resulting in serious harm, requiring professional medical attention, including treatment beyond basic first aid, and near misses that could have resulted in serious harm to persons or property; and
 - d. Incidents of illegal or unauthorized drug use.
- 11. Emergency Preparedness: THIRD PARTIES offering NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITIES must abide by established emergency protocols provided by the contracted facility or facilities and have a written emergency response plan that includes protocols to address:
 - a. Fire
 - b. Severe weather and a power outage, including identifying a designated shelter (shelters are designated throughout the University)
 - c. Lost or missing YOUTH PARTICIPANT
 - d. Infectious disease outbreaks (e.g., measles, COVID, flu)
- 12. Hold harmless. The THIRD PARTY agrees to indemnify and hold University harmless, and waive any claims against University, with respect to liability arising from the THIRD PARTY'S use of the Premises, except the extent and in the proportion that such liability arises from the negligent acts or omissions of officers, employees or agents of the Board of Regents of the University of Wisconsin System.

13. Insurance requirements: A certificate of information must be provided prior to finalization of the contract meeting standards as listed below. The certificate of insurance shall list the “Board of Regents of the University of Wisconsin System, its officers, employees, and agents” as an additional insured under the commercial general liability policy.

- a. *Workers’ Compensation*. Workers compensation insurance for employees that meets Wisconsin statutory requirements:
<https://dwd.wisconsin.gov/dwd/publications/wc/wkc-7580.htm>
- b. *Commercial Comprehensive General Liability*: \$1 million per occurrence and general aggregate of \$2 million that includes the following:
 - i. *Sexual Abuse/Molestation Liability*. Sexual abuse and/or molestation liability insurance coverage of no less than \$1 million for each occurrence and a general aggregate of \$2 million.
 - ii. The policy must not contain any exclusion for abuse from sexual, emotional or physical actions and/or misconduct. If such exclusions are included, separate coverage must be purchased and evidenced.
 - iii. *Automobile Liability*. Combined single limit of no less than \$1 million when automobiles are used to transport youth or perform other third-party operations while on campus.
 - iv. *Damage to Rented Premises*. Limits no less than \$100,000.
 - v. *Medical Payments*. Limits must be no less than \$5,000.
 - vi. *Occurrence basis*. The policy must be written on an occurrence basis, or if claims-made coverage is provided, coverage must be maintained for a minimum of five (5) years after the termination of the program.
 - vii. Policy must cover all activities to be performed by the external party, including athletic/physical activities.
 - viii. Policy must not contain any exclusion for intentional acts.
 - ix. Policy must be provided by a carrier with a minimum A.M. Best rating of A-.

14. Advertising

- a. University logos, images, and other marks may not be used in association with NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITIES except as negotiated in other agreements with UW-Madison.
- b. Advertising (e.g., brochures, websites) for the NON-CUSTODIAL THIRD-PARTY YOUTH ACTIVITY must clearly state that the activity is not affiliated with the University of Wisconsin-Madison.