

Frequently Asked Questions (FAQs) on UC Minors in Laboratories and Shops Policy.

This document is to provide some further guidance to the campuses in understanding the Minors in Laboratories and Shops Policy. In keeping with the University's mission of teaching, research and public service, UC provides opportunities to individuals under the age of eighteen ("minors") to gain experience in research laboratories for educational and research purposes. The intent of these FAQs is to develop a common understanding of the applicability of this policy across the campuses.

The Policy in General

Q1. Why is this new policy being released at this point in time?

A1. Many of the campuses have had these policies for more than 10 years. The systemwide policy was created to establish minimum requirements for consistency among the campuses. Each campus may develop more stringent policies and procedures as deemed necessary. We also hope that better distribution of the policy will improve awareness of these University requirements.

Q2. Are all three forms located at the end of the Policy required? Only one form was listed in the parenthetical quote in Procedures section V.A.

A2. Section V.A. of the policy it states: "Obtain written authorization before the minor begins scheduled assignment in the lab in accordance with location-specific policies and procedures, using appropriate forms (e.g., Waiver of Liability, Assumption of Risk and Indemnity Agreement)."

Only one form was listed in the parenthetical quote was provided "for the sake of an example." The other three forms "Rules for Minors in Laboratories and Shops", "Potential Hazard Information Sheet" and the "Minor Research Proposal Registration Form" are indeed part of required forms. The "Rules" document is important to convey the expectations of safe work and requires the signature of the parent or legal guardian. The "Research Proposal" form provides informed consent to the parent/legal guardian as required by law as well as serves as a risk assessment when the PI/Department Chair reviews and signs it. The "Potential Hazard Information Sheet" should be customized to the actual laboratory work locations. PIs may use the hazards assessment produced by the LHAT web-based software <http://ehs.ucop.edu/LHAT> to meet this requirement.

Q3. I have a young child (age 8) that I cannot place in day care today. This is only a one time case. Can I bring them in to the laboratory if I directly supervise them?

A3. Effective October 31, 2013, minors (including those children of laboratory personnel) are not permitted in laboratories or shops; with a few exceptions (Section III A.1 thru A.4). There are also legal restrictions placed on minors in areas involving vivaria, hazardous chemicals, biologic materials, and radiation.

Q4. We have a high school student who is a junior (age 17) that wants to work in the BSL-3 laboratory. Is this permitted?

A4. Section III.E. of the policy describes additional legal restrictions preventing minors from handling certain chemicals, biological materials and ionizing radiation. Minors cannot work with high risk biological agents that require BSL-3 containment. In addition, depending on the age of the minor work with lower risk biological agents (BSL-1 and BSL-3) may also be restricted.

ResearchParticipants

Q5. Does this policy apply to minors who are participating as a research subject under an IRB-approved study?

A5. No. The Policy is meant to apply only to minors who essentially “work” or learn in a UC lab. It does not apply to minors who may be in a UC lab (which the Policy defines to include clinical as well as scientific/technical research facilities) because of their participation in research as a human subject.

The use of research subjects who are minors needs to be conducted only under an IRB-approved research study.¹

Q6. Doesn't the indemnification and hold harmless language in the “*Release of Liability, Waiver of Claims, Express Assumption of Risks, and Hold Harmless Agreement*” form run afoul of UC's own Subject Injury policy and regulations prohibiting exculpatory language in consent forms?

A6. No. The policy does not apply to minors who may be in a UC lab (which the Policy defines to include clinical as well as scientific/technical research facilities) because of their participation in research as a human subject.

SupervisingMinors

Q7. Are those who conduct Tours to Minors subject to the California's Child Abuse and Neglect Report Act (CANRA)?

A7. Most likely. Employees (including faculty or staff), Volunteers, and Officials of the University of California that lead those tours may be required to complete training on this issue and would be subject to the mandatory reporting requirements. Systemwide policy and guidance has been completed and is available here: <http://policy.ucop.edu/doc/4000603/CANRA>

¹ See UC Policy “*Protection of Human Subjects in Research*” for further information.
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Q8. I've completed all the forms and I am the designated supervisor for a Minor. Do I need to complete a criminal background check?

A8. Yes. The University has certain controls in place for individuals who have direct contact with minors. The Chancellors have designated certain positions as critical in accordance with guidelines established by the Office of the President. Although the positions designated as "critical" vary slightly by campus, the Chancellors have identified *Mandated Reporters* and other University employees² who regularly encounter minors in the course and scope of their employment, work, or studies typically are considered "Critical Positions" and would therefore be subject to background checks pursuant to the Systemwide Guidelines on Designating Critical Positions³.

Appointment to or continued employment in a critical position is contingent upon successful completion of a background check. If you have not completed a background check that includes fingerprinting please contact your local HR department. Refer to your campus HR procedures for more information.

In addition, the University's sexual misconduct and molestation insurance may not provide coverage if the individual involved was not appropriately fingerprinted and/or underwent the appropriate background checks.⁴

Enrolled Minors

Q9. What restrictions does this policy place on minors enrolled as a student in an academic course?

A9. This policy generally does not apply to minors who are enrolled in an academic course. The risk assessment and responsibility of the laboratory activities performed in that academic course are the responsibility of the "Instructor of Record" and the "Sponsoring department" as recorded by the Registrar of Classes.

Due to federal drug law, there is one section of this Policy that does apply to minor aged students enrolled in courses listed in a campus course catalog. Section III-B prohibits minors working in a lab where research is being conducted with Controlled Substances.

² See Personnel Policies for Staff Members 21 Appointment. For union covered employees, volunteers, affiliates, and faculty appointees refer to your local Human Resources for guidance.

³ http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/personnel_policies/spp21e.html

⁴ See <http://policy.ucop.edu/doc/4000603/CANRA> (Refer to Question 12 in the CANRA link provided)

Q10. We have an exceptionally gifted phenom who will be conducting research here at the campus. They will be handling highly hazardous materials and they are less than 14 years of age. Is there any way that we can permit this?

A10. Yes. Exceptions to this policy may be granted on a case-by-case basis according to local guidelines, pending review and written approval by the campus Research Vice Chancellor (or designee). A thorough risk assessment should be performed. In addition, parental consent and indemnification should be obtained. It is strongly advised that campus counsel be consulted to be sure that the child endangerment laws are being complied with before granting such an exception.

University Outreach

Q11. Would the University consider formulating a tiered system for designating the levels and types of hazards to be found in different laboratories? I've been told that some laboratories do not contain hazardous materials. A tiered system may allow it so that some labs can be deemed safe enough for a minor to be allowed.

Q11. As currently written, the policy does permit minors access to Laboratory/technical areas which have been designated and posted as free of physical or chemical hazards. Contact your local EH&S to have your laboratory evaluated and designated as such.

Q12. How can I provide feedback on this policy or suggest changes for its next revision?

A12. Feedback and input on the policy always welcome. To provide feedback please contact Ken Smith, Systemwide Laboratory Safety Manager ken.smith@ucop.edu .

Q13. Doesn't this policy just add yet another roadblock to encouraging children to pursue STEM careers?

A13. No, just the very opposite. Clarifying and codifying UC policy will better enable access to these opportunities for minors while at the same time ensuring their safety.

Q14. As a faculty member I can recall my own personal situation that as a middle school student I participated in doing research in a lab (along with a faculty researcher) and this sparked my interest in pursuing a career in molecular biology. I'm now an associate professor in Molecular & Cellular Biology. How do we continue this early intervention to encourage children to pursue a career in STEM?

A14. This policy by excluding Outreach programs permits all children to participate in the UC-sponsored outreach programs. As with any program that involves children and young adults, proper safeguards and controls need to be established in these programs to ensure that rules are observed, and the potential exposure to risk is deemed low.

Q15. We have an established high-school science outreach program that invites large groups of students to observe research laboratories. Is this subject to the minor's policy?

A15. No. Section III states that the policy does not apply to outreach groups where the minors are participating as part of a larger group.

Q16. Another one of our outreach programs places high-school students into research laboratories to conduct experiments as part of a science fair program. They will be assigned as individuals or in pairs to the research laboratory that have offered to host and assist them with their project. Is this subject to the minor's policy?

A16. Yes. Although this is an outreach program, the students in this example are placed in a research laboratory and are participating either individually or in small groups. Therefore, this policy would apply. The participants would need to complete the various forms attached to the policy, take the Lab Safety Training and have the supervisors complete the background checks prior to having minors placed in his/her laboratory.

If a participating student is under the age of 14, there would need to be approval by the Vice Chancellor for Research.

Q17. There have been a few occasions where someone has asked about who they would get approval from in order to provide minors, as part of a high school outreach program, a tour of the lab. Can this approval come from the PI, or does it need to be from someone at the department or campus level? If so, whom?

A17. The policy is silent as to the appropriate approving official. As for this specific question, an "approved and supervised" tour may be approved at the Department, Division, or Campus level. The main issue is that the approving official has knowledge of the activity and has given approval for the tour to take place. The program described in the question is a high school outreach program and therefore only requires department, division or campus approval per campus requirements

Q18 Does a campus need a completed release of liability or any other forms for its approved and supervised tour?

A18. No. Because of the minor risk involved, these forms are not needed. Obviously the supervised tour should be approved following campus policies and procedures and as part of that approval process a risk assessment performed based on an evaluation of the hazards likely to be encountered

Decisions on the degree of supervision and escort and a determination of any personal protective equipment (e.g. visitor safety glasses, lab coat, and hard hats etc.) needed should be part of the risk assessment.

Nursing Mothers

Q19. I'm a recent mother who is nursing my child. Doesn't UC's policy on "accommodations for Nursing Mothers"⁵ allow me to bring my child into the laboratory to nurse?

A19. In promoting a family-friendly work environment, the University of California recognizes the importance and benefits of breastfeeding for both mothers and their infants. The University will make private space available for lactation purposes and will provide lactation break periods for employees who are breastfeeding. The minors in labs policy does not permit or encourage nursing of infants in potentially unsafe locations.

Q20. I'm a nursing mother who pumps milk for my child at home. Can I use the laboratory refrigerator to store my milk?

A20. No. There are concerns regarding contamination of the milk by the hazardous materials stored in the refrigerator. The University, when feasible, will provide a food safe refrigerator for storing milk in accordance with PPSM 84.

Q21. What if my laboratory has a separate break rooms with a door separating them from the lab. Can I leave my infant child there?

A21. The policy does not prohibit minors including infants to be present in break rooms. Minor children of laboratory personnel must escorted to/from an enclosed office/break room located within a laboratory or shop. Consultation with your Supervisor / Department Chair should performed.

⁵ See PPSM 84.
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