

V. Compliance with Laws, Ordinances and Policies

Client and Participants shall comply with all applicable federal, state and local laws and ordinances, as well as Carnegie Mellon policies and procedures as set forth in its publications and website, www.cmu.edu. Carnegie Mellon reserves the right to revoke campus privileges, including residency of Carnegie Mellon buildings, of any Participant whose conduct violates applicable federal, state and local laws and ordinances or Carnegie Mellon policy, or whose conduct otherwise, in Carnegie Mellon's sole opinion, is injurious or potentially injurious to the health, safety or welfare of himself or herself, or of others, or to Carnegie Mellon property.

Because Client's Event will involve interaction with children under the age of 18, Client further understands and agrees as follows:

- a. Any of Client's employees, contractors, agents, representatives and volunteers (collectively "Personnel") who will have direct contact with minor children during any Event by Client and Client Parties pursuant to this Agreement must have applied for and received the background check clearances specified under Pennsylvania Act 153, 23 Pa. C.S.A. Section 6344(b), or satisfy the conditions for provisional employment specified in 23 Pa. C.S.A. Section 6344(m).
- b. Client is solely responsible for taking the necessary steps to ensure that Client's Personnel apply for and receive the requisite clearances prior to the proposed dates of entry and/or use pursuant to this Agreement. Client is also solely responsible for obtaining and maintaining copies of the requisite clearances (and applications for clearances) of Client's Personnel.
- c. Within five (5) business days following the execution of the Agreement or, if earlier, prior to any such entry and/or use, Client shall provide Carnegie Mellon with a list of the names of all Client's Personnel who are expected to have direct contact with minor children during the Event pursuant to this Agreement, along with a sworn affidavit confirming that all such Personnel have received the background check clearances specified in Act 153 or are qualified provisionally under Act 153. The form of affidavit is attached as Exhibit A.
- d. If at any time Client desires or intends to add Personnel who will have direct contact with minor children during the Event pursuant to this Agreement, Client shall provide Carnegie Mellon with another affidavit in the form attached as Exhibit A providing the names of such additional Personnel and confirming that such additional Personnel have received the background check clearances specified in Act 153 or are qualified provisionally under Act 153 prior to the date on which such additional Personnel enter and/or use the premises.
- e. It is understood and agreed that any Personnel of Client who will or may have direct contact with minors and who have not received clearances under Act 153 or who do not meet the conditions for provisional employment under Act 153 are not permitted to have, and shall not be granted, access to Carnegie Mellon's property for Client's Event and/or other activities on the premises.
- f. Carnegie Mellon shall have the right of audit and access to Client's records regarding clearances and applications for clearances of Client's Personnel. Within seven (7) days of any request by Carnegie Mellon, Client shall provide Carnegie Mellon with copies of all clearances (or applications for clearances for those who have not yet received clearances) for all Personnel identified in any affidavits submitted by Client as required above.
- g. Client hereby releases Carnegie Mellon, and shall indemnify, defend and hold harmless the Carnegie Mellon from and against any and all injuries, losses, or damages resulting from the interactions of Client's Personnel with minor children during the Event and/or programs and/or other activities covered by this Agreement and/or any breach of any of the foregoing provisions of this Section by Client.

h. Client understands that it is solely responsible for any and all criminal and civil penalties under Pennsylvania law due to its failure to comply with Act 153 with respect to Client's Personnel as stated aforesaid.

Exhibit A

AFFIDAVIT REGARDING PENNSYLVANIA ACT 153

1. I, _____, am the _____ of Client.
2. Attached to this affidavit is a complete list of the employees, contractors, agents, representatives and volunteers (or, if applicable, additional employees, contractors, agents, representatives and volunteers) of my organization who are expected to have direct contact with minor children under my organization's Agreement with Carnegie Mellon University.
3. All individuals on the attached list have received clearances under Pennsylvania Act 153 or are qualified as a provisional employee under Act 153.
4. I have received from each of those individuals (and am maintaining) the documentation specified under Act 153 to confirm that the individuals have either secured all clearances specified under Act 153 or are qualified as a provisional employee under Act 153.

Signature of Affiant

Date

SWORN TO AND SUBSCRIBED
BEFORE ME, A NOTARY PUBLIC
THIS ____ DAY OF _____, 20____

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____