

## **University Policy 1-015: Safety of Minors Participating in University Programs or Programs Held on University Premises. Rev 0.**

[Temporary note to users: New Policy 1-015 and Rule 1-015A were approved December 2015, and are designated to take effect on July 1, 2016. Meanwhile, guidance materials are being developed and training opportunities are being provided for University units and personnel likely to be affected by these new Regulations. For further information contact Sherrie Hayashi, Director of OEO/AA. ]

### **I. Purpose and Scope**

- A. Purpose: To provide requirements for the safety and protection of Minors who are participating in University sponsored or co-sponsored programs, or programs operated by non-University entities on University Premises.
- B. Scope: This Policy applies to all members of the University community, including all employees ( including faculty members, staff employees, and non-faculty academic employees, regardless of full or part-time status or permanent or temporary employment status), interns, and students, and also to all volunteers, contractors, vendors, Authorized Adults (as defined here), and other individuals who use University Premises. The University requires all such persons to adhere to and act in accordance with this Policy. Failure to comply with the requirements set forth in this Policy may lead to disciplinary action and revocation of permission to use University Premises.

### **II. Definitions**

- A. For the limited purposes of this Policy, the following apply:
  - 1. Authorized Adult is an individual who is 18 years of age or older, who is authorized to care for, interact with, supervise, chaperone, or otherwise have access or contact with a Minor in a Covered Program. Authorized Adults include individuals who are University employees (including faculty members,

staff employees, and non-faculty academic employees), students, and volunteers engaged in University Covered Programs as well as employees and volunteers of non-University entities operating Covered Programs. Authorized Adults do not include individuals who are functioning exclusively in a participant capacity in a Covered Program, such as campers attending an athletic camp even though such participants may be 18 years of age or older.

2. Covered Program: A program or activity that is specifically designed for Minors as the participants, that is offered or sponsored by an academic or other administrative unit of the University (whether held on or off University Premises) or by a non-University entity operating on University Premises, and that has supervisory responsibility for the Minor participants. Examples of Covered Programs include day or overnight athletic, academic or recreational camps, conferences, workshops, or extension programs.

Covered Programs do not Include:

- a. University undergraduate or graduate academic programs in which students who are enrolled at the University or another institution of higher education are the only Minors participating in the programs;
- b. University residential housing programs where the only Minors participating in the program are (i) University undergraduate or graduate students; or (ii) dependents of University students or employees residing with the student/employee in University residential housing for families. Childcare programs operated by or located in residential housing programs are not excluded from Covered Programs.
- c. University events, such as festivals, athletic events, lectures, concerts, or other educational or entertainment events held on University Premises that are open to the general public and where Minors may be present or participate at the sole discretion of their parent or legal guardian and are not in the custody or care of University or event staff;

- d. Preschool through 12th grade school groups visiting University premises for the purpose of conducting campus tours or solely as patrons of educational or entertainment events with the students being in the care and custody of the touring or visiting staff;
  - e. University programs that engage in the delivery of clinical health care services, such as University of Utah Health Care, School of Medicine, School of Dentistry, College of Pharmacy, College of Health and University Counseling Centers which are governed by regulations and legal reporting requirements unique to their clinical activities;
  - f. Research programs that are subject to the Institutional Review Board guidelines, policies, and oversight for research involving human subjects;
  - g. Non-University programs where the only involvement of the University is in assisting with the placement of University students as volunteers, interns, etc. and the program is not located on University Premises;
  - h. University programs where the only involvement of a Minor is in the capacity as an employee, intern or volunteer; and
  - i. University sponsored recruitment and pre-enrollment activities for prospective students of the University who either (1) have been admitted to attend the University or (2) will be age-eligible to be admitted within a two-year period. Examples of such programs include Connecting U Days and Red White & U Day.
3. Minor: A person under 18 years of age.
  4. Program Administrator: The person who is in charge of a Covered Program.
  5. University Premises: The University of Utah campus and any other property, building or facility, that is owned, operated or controlled by the University.

### **III. Policy**

## A. Minors Program Requirements

### 1. Registration of Programs.

- a. All programs and activities that are specifically designed for Minors as participants may contact the University's Office of Equal Opportunity and Affirmative Action ("OEO/AA") for evaluation of Covered Program status. The OEO/AA shall determine whether a program for Minors is a Covered Program.
- b. All Covered Programs shall be registered. Registration materials shall be submitted to the OEO/AA, and the OEO/AA shall develop and provide standard Forms and a description of required materials used for such purposes.
- c. The Program Administrator of each Covered Program, whether the Covered Program is sponsored by the University or a non-University entity, shall register the program within sufficient time to meet the requirements of this Policy.
- d. The Program Administrator shall create and maintain an accurate current list of all Authorized Adults associated with the Covered Program, and shall submit a copy of the list and any updates at the time of initial registration of the Covered Program and prior to any new individual serving in the role of an Authorized Adult.
- e. The Program Administrator shall submit, at the time of initial registration, and whenever any significant change to the Plan is made, a Risk Management Plan which includes, at a minimum, a description of the physical space used by the Covered Program and measures and safeguards the Program will use to limit access to non-public spaces where there might be opportunity for any adult to be alone with a Minor without observation. When, in limited circumstances, the Covered Program permits one-on-one interaction between any adult and a Minor,

the Risk Management Plan shall include a description of measures and safeguards to provide for the Minor's safety.

2. Execution and Submission of Appropriate Written Contracts.

- a. The Program Administrator shall obtain and maintain on file a Minor Participant Informed Consent/Waiver Form signed by the parent or legal guardian of each Minor participating in a Covered Program and shall provide a copy to the parent/guardian. The Consent/Waiver Form shall include contact information for reporting concerns of abuse or misconduct to the OEO/AA. The Consent/Waiver Form can be obtained from the OEO/AA or the University's Office of Risk and Insurance Services.
- b. The following additional requirements apply for any Covered Program operated by a non-University entity.
  - i. The non-University entity shall enter into a contract with the University which among other matters shall obligate the entity to indemnify the University against liability for acts or omissions of the entity's personnel occurring in conjunction with the Covered Program.
  - ii. The non-University entity shall have in force commercial general liability insurance coverage that includes coverage for injury to Minors participating in the Covered Program, including incidents of sexual misconduct, and coverage for the non-University entity's contractual obligation to indemnify the University. Exceptions to this insurance requirement may only be granted by the University Risk and Insurance Manager in appropriate circumstances, and only if all other requirements of this Policy have been met. The Program Administrator is required to retain written documentation of any granted exception.
  - iii. The non-University entity shall be required to demonstrate that the required criminal background checks (Part C below) and trainings have

been conducted prior to beginning operations of a Covered Program on University Premises.

- iv. Failure of a non-University entity to comply with the terms of this Policy or the terms of a contract with the University entered into in conjunction with this Policy may result in the University denying the non-University entity the opportunity to run future programs, prohibiting use of the University's Premises before the Covered Program has been completed, or excluding an individual from being involved with the Covered Program.

### 3. Conduct of Background Screening and Required Self-Reporting for Authorized Adults

- a. The background screening required under this subsection A-3, unless otherwise specified, includes a criminal background check and sex offender registry screening.
- b. Background screening shall be completed and evaluated prior to an Authorized Adult participating in activities with the Covered Program or, if the Covered Program is operated by a non-University entity, prior to the Authorized Adult participating in activities with the Covered Program on University Premises. Current University employees who transfer to a position in a Covered Program, with responsibilities as an Authorized Adult, shall undergo background screening prior to beginning in that role.
- c. Except as provided in Part III-A-3-d (discrete events), the Program Administrator of each Covered Program shall ensure that a background screening is conducted for each Authorized Adult associated with the Covered Program. Covered Programs are responsible for the cost of the background screenings made pursuant to this Policy (or a contract with the University entered into in conjunction with this Policy).

- i. For Covered Programs operated by University units, these background screenings shall be conducted by an agency selected by, and following procedures and meeting standards developed by University Human Resources.
- ii. For Covered Programs operated by non-University entities, the entity shall complete background screening on Authorized Adults pursuant to procedures meeting standards approved by the University, which shall include utilizing both a national criminal history database and sex offender registry database. The background screening must have been conducted within one year or less from the date of Covered Program registration.
- iii. For Covered Programs that are licensed to provide child care by the Utah Department of Health's Bureau of Child Development, the OEO/AA may determine that background screening for Authorized Adults which meets the relevant child care licensing standards is sufficient.
- iv. The Program Administrator will conduct background screening on current or returning Authorized Adults at least every three (3) years.
- v. Each Authorized Adult shall self-report to the Administrator if, prior to or during the course of the Authorized Adult's service to the Covered Program, the Authorized Adult has any criminal charge pending, is arrested, criminally charged, or convicted for -- any offense involving child abuse or neglect, sexual offenses, sexual exploitation, domestic violence or other act of violence or has been served with a Restraining Order or Stalking Injunction.

The report must be made prior to beginning service in the Covered Program or within 72 hours of the arrest, charge, notification of pending charge, or service of Restraining Order or Stalking Injunction.

This self-reporting requirement continues throughout the Authorized Adult's participation in the Covered Program even if that participation is intermittent, e.g., if the involvement by the Authorized Adult only occurs in the summer months and there is an arrest during the winter, the incident of arrest, charge, or notification of pending charge must be reported prior to continuing involvement with the Covered Program the following summer.

Failure to self-report may lead to disciplinary action, up to and including termination of employment or exclusion from the Covered Program.

The Program Administrator must immediately notify the OEO/AA following an Authorized Adult's self-report.

- d. Covered Programs that are discrete, occasional events for which a large number of volunteers are essential, may, with prior approval of the OEO/AA, elect to adopt alternative measures and safeguards instead of background screening for the one-time volunteers (for example, Science Olympiads, Science Fair). The measures and safeguards must include the following requirements:
  - i. volunteers must work in public places, not alone with Minors and;
  - ii. volunteers must be supervised by individuals who have had the full background screening required by this Policy and;
  - iii. the program must compile the names and addresses of the volunteers prior to the event and check the names against the Utah sex offender registry and;
  - iv. volunteers must present photo identification to be checked at the event.

- e. Criminal /sex offender history: If a criminal record or sex offender history reveals any conviction related to child abuse or neglect, a sexual offense, sexual exploitation, domestic violence or other act of violence, or if a self-report of similar information is made, or if the Program Administrator is made aware of similar information by any other means, the Program Administrator or Human Resources shall refer the information to the OEO/AA for evaluation and consultation. If the involved Authorized Adult is a University faculty member or non-faculty academic personnel, the OEO/AA may consult with the cognizant Senior Vice President, or if a student, with the Dean of Students, as necessary to take proper action related to the particular Covered Program. After the evaluation of the information, in its discretion and in accordance with applicable laws and policies, the University may exclude an Authorized Adult from involvement with a Covered Program.

#### 4. Mandatory Training for Authorized Adults

- a. Each Authorized Adult, including the Program Administrator, whether the Covered Program is sponsored by the University or a non-University entity, shall receive training regarding appropriate and prohibited conduct with minors, child abuse awareness and prevention, sexual violence prevention, and reporting obligations and processes. Training records will be maintained by the Program Administrator and copies provided to the OEO/AA.
- b. Training will be prepared and made available by the OEO/AA and will be designed for particular positions and levels of involvement in the Covered Program.

#### 5. Code of Conduct for Authorized Adults

- a. Authorized Adults should be positive role models for Minors participating in Covered Programs and conduct themselves in a respectful, honest, and

caring manner. Authorized Adults shall not in connection with the Covered Program engage in abusive conduct toward a Minor or any conduct of a sexual nature. Authorized Adults shall never be alone with a minor without Program Administrator approval and an approved Risk Management Plan in place.

- b. Any violation of the Code of Conduct set forth in this policy or related rules may lead to disciplinary action, up to and including termination of employment or exclusion from the Covered Program and/or University Premises.

#### B. Non-Covered University Programs.

1. University units that engage with Minors outside of the context of a Covered Program should, in appropriate circumstances, consider:
  - a. Participating in training about appropriate conduct with Minors, child abuse awareness and prevention, and reporting obligations and processes; and
  - b. Conducting criminal background and sex offender registry checks of employees and volunteers who may have access to Minors, consistent with University policy and State and Federal law.

#### C. Reporting Obligations for the Safety of Minors

1. Utah State law includes a mandatory reporting obligation that requires any person who “has reason to believe” that a Minor has been subjected to abuse or neglect, including sexual abuse, to immediately notify the Utah state office of Child and Family Services or a law enforcement agency. Utah Code Ann. § 62A-4a-403. University policy mandates reporting consistent with state law obligations.
2. In addition to state-law-mandated reporting, reports of known or suspected child abuse or neglect by Authorized Adults and/or on University Premises or violations of the Code of Conduct set forth in this policy, related rules or other

University policies shall also be made to the University's OEO/AA. The OEO/AA shall conduct an investigation or inquiry of allegations, and make recommendations in accordance with state law and University policies.

3. Reporting obligations extend to all University employees, students, volunteers, and Authorized Adults, whether or not they are involved in a Covered Program.

D. Establishment and functions of Safety of Minors Committee

1. The University Safety of Minors Committee ("Committee") is hereby established. Its voting members shall be the President of the Academic Senate (who shall be chairperson of the Committee), Vice Dean of the School of Medicine Academic Affairs & Faculty, and Associate Vice President for Faculty, or equivalent positions, or their designees. The Director of OEO/AA, the Risk & Insurance Manager and the General Counsel or their designees shall serve as non-voting ex officio advisory members.
  2. The OEO/AA shall administer this policy. The Committee shall be available for consultation with the OEO/AA.
  3. A Covered Program may seek reconsideration of decisions made related to this policy, including decisions about a Covered Program's compliance with this policy, eligibility for the discrete events exception, exclusion of an Authorized Adult from a Covered Program, and approval of Risk Management Plans. To seek reconsideration of a decision, the Program Administrator along with the cognizant Dean and Department Chair, or equivalent, shall appear before and provide information to the Committee. The Committee shall make a recommendation to the cognizant Senior Vice President regarding a Covered Program's request for reconsideration, and the Senior Vice President shall decide the matter.
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*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

#### **IV. Rules, Procedures, Guidelines, Forms and other Related Resources**

- A. [Rules R1-015A](#): Safety of Minors - Code of Conduct and Reporting Obligations
- B. Procedures (reserved)
- C. Guidelines {link to Guide, when ready, from Director of the Office of Equal Opportunity and Affirmative Action)
- D. Forms (reserved)
- E. Other related resource materials (reserved)

#### **V. References**

#### **VI. Contacts**

Policy Owner: (primary contact person for questions and advice) Director of the Office of Equal Opportunity and Affirmative Action. Phone 801-581-8365

Policy Officer: Vice President and General Counsel

These officials are designaged by the University President or delegee with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

*"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assinged Policy Officer is authorized to allow exceptions to the Policy in appropriate cases..."*

*"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy, and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library...[and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies..." University Rule 1-001-III-B & E*

## **VII. History**

### **A. Current version. Revision 0.**

Approved by the Academic Senate : November 30 , 2015

Approved by the Board of Trustees: December 8, 2015, with designated effective date of July 1, 2016

[Legislative history of Revision 0.](#)