

*Legislative History of*

**University Policy 1-015 Revision 0, & University Rule 1-015 Revision 0  
Safety of Minors Participating in University Programs or Programs Held on  
University Premises**

prepared by Bob Flores for the Institutional Policy Committee

The combined proposal for the new Policy and new Rule was approved by the Academic Senate November 30, 2015 and by the Board of Trustees December 8, 2015, with designated effective date of July 1, 2016.

**Contents:**

Explanatory Memorandum

University Policy 1-015 Revision 0 --- Safety of Minors Participating in  
University Programs or Programs Held on University Premises

University Rule 1-015A Revision 0 ---- Safety of Minors—Code of Conduct  
and Reporting Obligations.

Guidance related to University Policy 1-015, from the University of Utah  
Office of General Counsel

## Memorandum

TO: Vivian Lee, Sr. Vice President, Health Sciences   
Ruth Watkins, Sr. Vice President, Academic Affairs 

FROM: Senate Ad Hoc Committee on Safety of Minors Policy (Mary D. Burbank, Assistant Dean, College of Education; Lina Svedin, Associate Professor, Department of Political Science),  
Krista Pickens, Director OEO/AA,  
Katie Carreau, Associate General Counsel

RE: **Policy 1-015: Safety of Minors Participating in University Programs or Programs Held on University Premises**

DATE: November 23, 2015

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### Summary:

This is a proposal for new University Policy 1-015, and accompanying Rule 1-015A, regarding Safety of Minors. A previous version of the proposal came before the Academic Senate in May 2015. In response to concerns and questions raised at that time, the Senate directed that an ad hoc committee be formed to evaluate and improve the proposed policy. The Senate ad hoc committee included faculty members Lina Svedin, John Longino, Marjorie Chan, Antoinette Laskey, Sean Farrell and Chair, Mary D. Burbank. The Senate committee worked with the OEO\AA Director Krista Pickens, and Associate General Counsel Katie Carreau. The Senate committee met throughout the summer and into the fall to identify greater specificity regarding the depth and breadth of minor participation on campus and campus-related experiences.

To increase accuracy in our understanding of the extent of minor involvement and the projected impact of the policy on covered programs, the Senate committee generated a survey distributed across campus. Survey questions identified the *number of projects* involving minors on campus, the *number of minors* served through these projects; *types of programs* involved – the duration of projects, number of occurrences, and locations; the *number of volunteers* across groups (e.g., faculty, students, and volunteers) and *concerns related to potential costs incurred* by programs to meet background check requirements. The survey also delineated programs for minors and assessed trends at other PAC 12 schools. Armed with this information as well as the concerns and questions raised by faculty members during the Senate meeting in May, the proposed policy has been significantly revised. Among the changes is that the contents have been segregated out into a Policy, and an accompanying Rule.

As background, this policy aims to *register* all programs designed primarily for minors, considered Covered Programs. The policy requires *training*, a code of *conduct*, and *background checks* for individuals working with minors in Covered Programs. It also outlines State law *reporting* requirements for child abuse and mandates that certain conduct also be reported to OEO/AA.

### **PAC-12 comparison:**

Our study of PAC 12 schools revealed that about half of the schools currently have policies similar to the one proposed for the University of Utah. Even those schools without specific policies mandate background checks for individuals working with minors and require these individuals to receive training on the safety of minors. Most of the schools require the more expensive fingerprint background check, and this proposal is for a less expensive method. Most do not include an exception for volunteers participating in discrete one-day events, something that the proposed University of Utah policy does allow for. This proposed policy is consistent with the other schools' policies while adding more flexibility and being more cost sensitive.

### **U of U Survey Results:**

A summer 2015 request from the Office of Associate Vice President Wildermuth was sent to Deans and other campus administrators affiliated with project directors and/or those overseeing activities involving minors. A robust survey response was reported with 88 separate survey responses completed, indicating a myriad of projects involving youth across all colleges on campus, the LEAP program, University Neighborhood Partners, Study Abroad, U of U Reading Clinic, Utah Museum of Fine Arts, Utah Natural History Museum, and the Women's Resource Center.

Of those who completed the survey ( $n=88$ ), 83% reported direct minor involvement in events or activities. A profile of event types and participants includes: 60 annual events, a majority held 2-4 times a year, a majority of events held over one day, and a significant number of events that extend over time. Depending upon the nature of the event, the number of minors involved ranges from 5-100 per event where a high percentage include overnight stays, off campus. The total number of minors on campus across events consequently ranges between 1,400 – 5,000 depending upon the nature of the event (e.g., Study Abroad, campus visits).

A total of 2,740 employees or affiliated volunteers were reported as having contact with minors each year, and the vast majority participate on more than one occasion. The number of university employees or affiliated volunteers linked to work with minors includes: 590 faculty; 380 graduate student volunteers; 1,090 undergraduate student volunteers; 380 staff; and 300 "other" individuals.

When asked how or if programs will incur the costs of background checks at the then estimated cost of \$13 per background check, 68% of respondents said they would have the ability to cover the full costs of the individuals involved in their program(s), and 32% reported that they would not be able to cover the cost fully. Of the 32%, 64% were able to cover between 0-20% of costs with 19% able to cover between 20-60% of costs. 17% of those unable to cover the costs did not state if they could cover part of the costs associated with background checks.

### **Highlights of Policy (and Rule) Revisions:**

- In response to questions and concerns raised by faculty in the Academic Senate, the definition of Covered Programs has been clarified as "a program or activity specifically designed for Minors as participants." In addition to the previously provided exclusions for standard academic programs and clinical activities, as revised, recruitment activities and activities where a minor will simply

participate as a volunteer, employee or intern will now also be excluded from this definition (and therefore not subject to various requirements of the policy).

- With regard to criminal background checks, the policy has been clarified to state that criminal background checks for individuals participating in Covered Programs will occur every 3 years. Only violent or sexual offenses can result in an individual being excluded from a Covered Program. The results of the criminal background check will be maintained by a third party vendor and any triggering crime (violent or sexual offense) will only be used in connection to administration of Covered Programs.
- The training requirement in the policy has been updated to allow for different levels of training depending on the involvement of the individual (e.g., Program director vs. one day volunteer). The training will be available online or in a paper version.
- Establishment of a committee to assess and adjudicate any appeals of policy applicability or implementation has been added to the policy to allow Covered Programs to appeal decisions made by OEO/AA administration related to this policy. The voting members of the committee would be the Academic Senate President, the Associate Vice President for Faculty, and the Vice Dean of the School of Medicine (or equivalents).
- The policy language has been streamlined for greater accessibility and clarity. Detailed sections related to the standards of conduct and the reporting requirements, which previously were proposed to be located in the main policy, have been moved to a University Rule 1-015A accompanying the policy.

### **Conclusion:**

We appreciate your consideration of this important policy. Thousands of children come to our campus to engage in important outreach activities. This policy is designed to ensure a safer environment for minors and greater University responsibility with regards to the safety of minors as we continue to support these important programs for our community, and to do so with due regard for financial costs and the workloads of University personnel.

This revised proposal has been developed by the Senate ad hoc committee, working with the OEO/AA director, and the office of general counsel, and has been reviewed by the Institutional Policy Committee. It was reviewed by and further revised in response to input from the Senate Executive Committee (November 16). The original draft policy was also reviewed and approved by the President's Cabinet and the Council of Academic Deans. With your central administration approval it will next be presented for action by the Academic Senate and ultimately the Board of Trustees.

It is proposed that the new Policy and accompany Rule become effective on July 1, 2016.

{Proposal for new Policy 1-015. Draft of [2015-11-23] See also accompanying proposed new Rule 1-015A. For information contact: Krista Pickens, Director of OEO/AA }

**Policy: 1-015.** Revision 0. Effective date [July 1, 2016]

## **Safety of Minors Participating in University Programs or Programs Held on University Premises.**

### 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 definitions 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 Management.

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:

- a) volunteers must work in public places, not alone with Minors and;
- b) volunteers must be supervised by individuals who have had the full background screening required by this Policy and;
- c) 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;
- d) 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.

*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.  
University Rule 1-015A. Safety of Minors—Code of Conduct and Reporting Obligations
- B. Procedures (reserved)
- C. Guidelines
- D. Forms (reserved)
- E. Other related resource materials (reserved)

V. References

VI. Contacts

A. Policy Owner: (primary contact person for questions and advice) Director of the Office of Equal Opportunity and Affirmative Action

B. Policy Officer: [Vice President and General Counsel}

These officials are designated 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 assigned 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

### Revision History

#### A. Current Version - Revision 0

Approved by the Academic Senate: [date]

Approved by the Board of Trustees: [date]

Proposed new Rule to accompany new Policy 1-015--- Safety of Minors Participating in University Programs or Programs Held on University Premises. Draft 2015-11-23.

## **University Rule 1-015A. Safety of Minors—Code of Conduct and Reporting**

**Obligations.** Revision 0. Effective date [same date as Policy 1-015]

### I. Purpose and Scope

This Rule implements certain aspects of University Policy 1-015, Safety of Minors Participating in University Programs or Programs Held on University Premises.

### II. Definitions.

The definitions of terms provided in University Policy 1-015 apply for purposes of this Rule.

### III. Rule.

#### **A. Safety of Minors Code of Conduct for Authorized Adults:**

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

2. Authorized Adults shall not in connection with the Covered Program:

a Engage in abusive conduct of any kind toward, or in the presence of, a Minor.

b. Use any form of physical or corporal punishment to discipline a Minor. If restraint is necessary to protect a Minor from self-harm or protect other Minors from harm, all incidents must be documented and disclosed to the Program Administrator and the Minor's parent/guardian.

c. Engage in any sexual activity, make sexual comments, tell sexual jokes, or share sexually explicit material (or assist in any way to provide access to such material) with Minors.

d. Engage in romantic, sexual, or related conversations with Minors.

e. Communicate electronically with Minors unless there is an educational or programmatic purpose and the content of the communication is consistent with the mission of the Covered Program and the University. This includes email, text messages, social networking websites, Internet chat rooms, or other

forms of social media. If communicating electronically is necessary, another Authorized Adult shall be copied on the communication.

f. Communicate with a Minor participant after the Covered Program has concluded, unless the communication is conducted with the knowledge and permission of the Minor's parent/guardian.

g. Physically touch a Minor in a manner that is prohibited by law or that a reasonable person would interpret as inappropriate. Touching, when necessary, should be appropriate, public and non-sexual. It should be in response to the Minor's needs, for a purpose that is consistent with the Covered Program's mission and culture, and/or for a clear educational, developmental, or health related (i.e., treatment of an injury) purpose. Any resistance from the Minor to being touched should be respected unless the touching is necessary to stop immediate harm to the Minor or others or to assist in rendering urgent or emergency medical treatment.

h. Be alone with a Minor, unless the one-on-one interaction is authorized by the Program Administrator. When one-on-one interaction is authorized, whenever possible, the interaction should be in a public space or space that permits observation by other persons. An Authorized Adult should never be in a locked room with a Minor unless there is an emergency situation.

i. Meet with a Minor outside of established times for Covered Program activities. Any exceptions require written authorization from the Program Director and the parent/guardian.

j. Invite a Minor to a private location such as the Authorized Adult's home or engage in an overnight visit with the Minor. Any exceptions require written authorization from the Program Administrator and the parent/guardian of the Minor.

k. Use, possess or be under the influence of alcohol or illegal drugs while on duty or when responsible for a Minor's welfare.

l. Transport a Minor in a vehicle unless more than one Authorized Adult is present in the vehicle or multiple Minors are in the vehicle at all times through the transportation, and consistent with the transportation requirements of the University's Office of Risk and Insurance Management.

m. Transport a Minor in a vehicle for personal reasons not related to the Covered Program, unless there is written authorization from the Program Administrator and the Minor's parent/guardian.

- n. Accept from or give gifts to a Minor without the knowledge of the Minor's parent/guardian.
  - o. Leave a Minor or Minors under the supervision of a person who is not an Authorized Adult; for example, with a guest presenter, during a field trip, etc.
3. Any violation of the Code of Conduct may lead to disciplinary action, up to and including termination of employment or exclusion from the Covered Program and/or University Premises.

#### **B. Safety of Minors Reporting Obligations.**

This section III-B describes mandatory reporting obligations for all University employees, students, volunteers, and Authorized Adults, in conjunction with Policy 1-015:

1. Any person who "has reason to believe" that a Minor has been subjected to abuse or neglect, including sexual abuse, shall immediately notify the Utah state office of Child and Family Services or a law enforcement agency. Utah Code Ann. § 62A-4a-403.
  - a. In case of emergencies on University Premises, immediately call the University of Utah Police Department at (801) 585-2677 or 911.
  - b. To report known or suspected abuse of a Minor, contact the Utah Department of Human Services, Child and Family Services Hotline at: 1-855-323-3237 or the police department that would have jurisdiction over the location of abuse.
2. Reports of known or suspected child abuse or neglect by Authorized Adults and/or on University Premises shall also be made to the University's Office of Equal Opportunity and Affirmative Action ("OEO/AA") at (801) 581-8365.
3. Reports of violations of University policy or state or federal statutes involving a Minor participating in a Covered Program, conduct that may subject a Minor participating in a Covered Program to physical or emotional danger or harm, or violations of University discrimination, sexual harassment, or sexual misconduct policies shall also be made to the University's OEO/AA at (801) 581-8365.
4. If any University employee, student, volunteer, or an Authorized Adult has reason to believe that an Authorized Adult has engaged in conduct that violates the Code of Conduct set forth in Policy 1-015 or related rules, the known or suspected violation and the identity of the Authorized Adult who is alleged to have engaged in the violation shall be reported immediately to the OEO/AA.
5. After a report, OEO/AA shall conduct an investigation or inquiry of allegations, and make recommendations in accordance with state law and University policies.

6. Reports may be made anonymously, however anonymous reports that do not contain sufficient information may limit the ability to conduct appropriate investigation. On receiving a report, the University will take immediate, reasonable steps to assure the safety of Minors and comply with all applicable legal reporting and referral requirements.
7. The University prohibits retaliation against any person who in good faith makes a report of abuse or participates in an investigation or complaint process under this Policy. The University also prohibits the intentional filing of false reports.
8. The confidentiality of a report made to the University's OEO/AA of suspected abuse or neglect, including the identity of the person making the report, the person suspected of abuse or neglect, and the Minor who may have been abused or neglected, will be protected consistent with the University's legal obligations.
9. Questions about reporting obligations or the circumstances under which a report is required may be addressed to the University's OEO/AA or Office of General Counsel.

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- IV. Procedures, Guidelines, Forms and other Related Resources
  - A. Procedures (reserved)
  - B. Guidelines
  - C. Forms (reserved)
  - D. Other related resource materials (reserved)

V. References

VI. Contacts

A. Policy Owner: (primary contact person for questions and advice) Director of the Office of Equal Opportunity and Affirmative Action

B. Policy Officer: [Vice President and General Counsel]

These officials are designated by the University President or delegate, 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 assigned 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

### Revision History

#### A. Current Version - Revision 0

Approved by the Academic Senate: [date]

[EXAMPLE OF ]

Guide to Child Abuse Reporting Requirements under Utah Law.

Guidance related to University Policy 1-015-- Safety of Minors Participating in University Programs or Programs Held on University Premises.

From the University of Utah Office of General Counsel  
[November 23, 2015]

*Definitions* (Utah Code Ann. § 62a-4a-101, § 78A-6-105):

*Child* is a person who is under the age of 18 years of age.

*Abuse* means the non-accidental harm of a child; threatened harm of a child; sexual exploitation of a child; or sexual abuse.

*Neglect* is the failure of a parent, guardian, or other caregiver to provide for a child's basic physical, medical, educational, or emotional needs.

*Physical Abuse* means abuse that results in physical injury or damage to a child.

*Sexual Abuse* includes activities such as fondling a child's genitals, molestation, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution or the production of pornographic materials.

*Duty to Report Child Abuse:*

Utah Code §62A-4a-403 requires that, any person who has reason to believe that a child has been subjected to abuse or neglect to immediately notify the nearest office of the Division of Child and Family Services, a peace officer, or a law enforcement agency.

The only exception to the obligation to report child abuse or neglect is for clergy under the conditions set forth in section 62A-4a-403(2) of the Utah Code.

*Protection for Good Faith Reports:*

Any person or institution that makes a good faith report is immune from civil and criminal liability. Utah Code Ann. § 62A-4a-410.

Reports made to law enforcement or the Division of Child and Family Services are private, protected or controlled records under GRAMA, and, when release is authorized, the release will generally protect the anonymity of the person making a good faith report. Utah Code Ann. § 62A-4a-412.

*Sanctions for Failure to Report Child Abuse:*

One who willfully fails to comply with the mandatory reporting law is guilty of a class B misdemeanor. Utah Code Ann. § 62A-4a-411.