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

Revision 1. Effective date: March 11, 2025

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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 below), and other individuals who use University Premises.

II. Definitions

The following definitions apply for the limited purposes of this policy and any associated regulations.

A. "Authorized Adult" means an individual who is authorized to care for, interact with, supervise, chaperone, or otherwise have access to 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.

B. “Covered Program” means a program or activity that is specifically designed for Minors as the participants, has supervisory responsibility for the Minor participants, and 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.

   1. Covered Programs include but are not limited to camps, childcare, instructional lessons, workshops, internships, volunteer opportunities, or outreach programs.

   2. 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 university undergraduate or graduate students, or 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 or community groups visiting University Premises for the purpose of conducting campus tours or solely

as patrons of educational or entertainment events with the Minors being in the care and custody of the touring or visiting staff;

e. university programs engaging in the delivery of clinical health care services, such as University of Utah Health, 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; or

i. university sponsored recruitment and pre-enrollment activities for prospective students of the university who either have been admitted to attend the university or 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.

C. “Discrete Event” means a Covered Program that is an occasional event that requires a large number of volunteers, such as an Engineering Day or Science Fair.

D. “Minor” means a person under 18 years of age.

E. “Program Administrator” means the person who is in charge of a Covered Program.

F. “University Premises” means the University of Utah campus and any other property, building, or facility that is owned, operated, or controlled by the university.

III. Policy

A. Registration of Covered Programs.

1. All Covered Programs must be registered with Youth Protection and Program Support (YPPS).

2. A Program Administrator shall register a Covered Program:

   a. annually, for a Covered Program that runs continuously; or

   b. prior to the start of the Covered Program for a seasonal or one-time program.

3. A Program Administrator should register a Covered Program at least 30 days before the start date of the Covered Program and must register the Covered Program with sufficient time to meet the requirements in this policy.

4. Any program or activity with Minors as participants may contact YPPS for evaluation of whether the program is a Covered Program.

5. 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 at the time of registration of the Covered Program. An updated list shall be provided prior to any new individual serving in the role of an Authorized Adult.

6. The Program Administrator shall submit with registration, and whenever any significant change to the plan is made, a Risk Management Plan that includes, at a minimum, a description of the physical space used by the Covered Program and measures and safeguards the Covered 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 approved circumstances, a Covered Program permits one-on-one interaction between any Authorized Adult and a Minor, the Risk Management Plan shall include a description of measures and safeguards to provide for the Minor's safety.

B. Minor Participant Informed Consent/Waiver Form

1. 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 form shall include contact information for reporting concerns of abuse or misconduct to the Office of Equal Opportunity and Title IX (OEO/TIX). The form can be obtained from YPPS or the university's Office of Risk and Insurance Services.

C. Execution and Submission of Appropriate Written Contracts for Non-University Entity Covered Programs.

1. 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 connection with the Covered Program.

2. 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.

3. The non-university entity shall be required to demonstrate that the criminal background checks and trainings required by this policy have been conducted prior to beginning operations of a Covered Program on University Premises.

D. Background Screening for Authorized Adults

1. A Program Administrator shall ensure that background screening for an Authorized Adult is completed and evaluated:

    a. 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; and

    b. once every three years thereafter.

2. 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.

3. Any of the following fulfill the requirement for background screening:

    a. A criminal background check and sex offender registry screening conducted through university Human Resource Management.

    b. For Authorized Adults affiliated with a Covered Program that is licensed to provide childcare by the Utah Department of Health, a background screening that meets the licensure requirements.

    c. For a Covered Program offered by a non-university entity, a background screening approved by YPPS that includes both a national criminal history database and sex offender registry database and was conducted within one year or less from the date of Covered Program registration.

4. A Covered Program is responsible for the cost of a background screening of an Authorized Adult. A Covered Program may require an Authorized Adult who is a student, volunteer, or intern to pay the cost of the Authorized Adult's background screening.

5. 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; if a self-report of similar information is made as described in this policy; 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/TIX for evaluation and consultation. If the involved Authorized Adult is a university faculty member or a non-faculty academic employee as defined in Policy 5-001, the OEO/TIX may consult with the cognizant Executive 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.

6. Authorized Adult Self-Reporting

    a. Each Authorized Adult shall self-report to the Program 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, is criminally charged, or is convicted for any offense involving child abuse or neglect, a sexual offense, sexual exploitation, domestic violence, or other act of violence, or has been served with a restraining order or stalking injunction.

    b. 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, conviction, or service of restraining order or stalking injunction.

    c. 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.

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

E. Discrete Events

1. Discrete Events such as Engineering Day or Science Fair may request exceptions to background check and informed consent/waiver requirements from YPPS as set forth in this section.

   a. A Discrete Event that occurs on a recuring schedule, such as an annual event, that seeks an exception must request the exception each time the Discrete Event will be held.

   b. YPPS may grant a Discrete Event an exception to the background screening requirement for one-time volunteers if it determines that the Covered Program satisfies the following alternative measures and safeguards:

      i. volunteers work only in public places, not alone with Minors;

      ii. volunteers are supervised by individuals who have had the full background screening required by this policy;

      iii. the program compiles the names and addresses of the volunteers prior to the event and checks the names against the Utah Sex Offender Registry;

      iv. volunteers present photo identification to be checked at the event; and

      v. prior to participation, volunteers are provided training material explaining the Code of Conduct and reporting obligations.

2. YPPS may grant a Discrete Event an exception from the requirement that a Program Administrator maintain and file Minor Participant Informed Consent/Waiver forms if:

   a. the Covered Program has consulted with, and received permission from, University Risk and Insurance Management that it is not necessary to

require a Minor's parent or guardian to sign a liability waiver for the Minor to participate in the Covered Program; and

b. the Covered Program provides contact information to parents and guardians for reporting concerns of abuse or misconduct to OEO/TIX through a method approved by YPPS.

F. Mandatory Training for Authorized Adults

1. Each Authorized Adult, including the Program Administrator, whether the Covered Program is sponsored by the university or a non-university entity, shall complete training required by YPPS regarding appropriate and prohibited conduct with Minors, child abuse awareness and prevention, sexual violence prevention, and reporting obligations and processes.

   a. Each Authorized Adult shall complete the training before participating in a Covered Program and annually thereafter.

   b. The Program Administrator shall maintain training records and provide copies to YPPS, OEO/TIX, or Campus Compliance Services if requested.

G. Code of Conduct for Authorized Adults

1. Authorized Adults shall be positive role models for Minors participating in Covered Programs and 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 others 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 but is not limited to email, text messages, social media, video calling, or any other form of electronic communication. 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 Services;

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; or

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 or other aspect of a Covered Program.

H. Programs that Engage with Minors but are not Covered 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. conduct 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.

I. Reporting Obligations for the Safety of Minors

1. Utah Code Section 80-2-602 establishes a mandatory reporting obligation and requires that if a person has reason to believe that a Minor is, or has been, the subject of abuse or neglect, or observes a Minor being subjected to conditions or circumstances that would reasonably result in abuse or neglect, the person shall immediately report the suspected abuse or neglect to the Utah Division of Child and Family Services or to the nearest peace officer or law enforcement agency.

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 shall also be made to the university's OEO/TIX.

3. Known or reasonable belief that an Authorized Adult has violated the Code of Conduct set forth in this policy shall be reported immediately to the OEO/TIX, and the identity of the Authorized Adult shall also be reported to OEO/TIX.

4. Reports may be made anonymously; however, anonymous reports that do not contain sufficient information may limit the ability to conduct an appropriate investigation.

5. 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.

6. The confidentiality of a report made to the OEO/TIX of suspected abuse and 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.

7. Reporting obligations extend to all university employees, students, volunteers, and Authorized Adults, regardless of whether they are involved in a Covered Program, as well as all persons involved in any Covered Program operated on University Premises.

8. OEO/TIX shall conduct an investigation or inquiry of a report made under this policy and make recommendations in accordance with state law and university policies.

J. Reconsideration of Decisions

1. 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 submit a request for reconsideration to YPPS.

2. The cognizant executive vice president shall make final decisions on a request for reconsideration. Prior to deciding a request, the executive vice president may seek input from the dean and department chair or equivalent of the person submitting the request, and the following stakeholders: the president of the academic senate, the vice provost for faculty, the associate vice president for faculty health sciences, the director of YPPS, the director of campus compliance services, the risk & insurance manager, and the general counsel or designee.

K. Review of Covered Programs' Compliance with Policy 1-015

1. The OEO/TIX and/or Campus Compliance Services will annually review a sampling of Covered Programs to evaluate the Covered Programs' compliance with this policy. In relation to a compliance review, Covered Programs shall submit all documentation requested in a timely manner to

facilitate the review process. Noncompliance with the review process could impact the ability of the program to continue to operate.

L. Violations of Policy

1. An Authorized Adult who violates this policy may face disciplinary action. Disciplinary action may include exclusion from a Covered Program, and for a university employee, disciplinary action up to and including termination of employment through the processes described in applicable university regulations up to and including termination of employment through the process described in Policy 5-211 for staff and Policy 6-316 for faculty members.

2. 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 University Premises before the Covered Program has been completed, or excluding an individual from being involved with the Covered Program

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Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Policies/ Rules, Procedures, Guidelines, Forms, and other Related Resources

A. Policies/ Rules.

B. Procedures, Guidelines, and Forms.

1. G1-015A: Sports Activities Concussion and Head Injury

C. Other Related Resources. [reserved]

V. References

A. Utah Code Section 80-2-602

VI. Contacts

The designated contact officials for this regulation are:

A. Policy Owner(s) (primary contact person for questions and advice): Associate Vice President and Dean of University Connected Learning

B. Policy Officer(s): Executive Vice President for Academic Affairs

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

A. Current version. Revision 1.

1. Presented for the information of the Academic Senate on March 3, 2025, and approved by the Board of Trustees on March 11, 2025, with designated effective date of March 11, 2025.

2. Legislative History

3. Editorial Revisions

a. Editorially revised August 22, 2025, to change title from senior vice president to executive vice president

B. Previous Revisions

1. Revision 0. Effective date: July 1, 2016.

C. Renumbering

1. Not applicable.