

## **Rule 1-015A: Safety of Minors-Code of Conduct and Reporting Obligations. Revision 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 the Office of Equal Opportunity and Affirmative Action. Email: [sherrie.hayashi@utah.edu](mailto:sherrie.hayashi@utah.edu) Phone 801-581-8365.]

### **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 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.
  - 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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*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. Procedures (reserved)
- B. Guidelines {link to Guide, when ready, from Director of the Office of Equal Opportunity and Affirmative Action}
- 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. Phone 801-581-8365
- 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

Current Version - Revision 0

Approved by the Academic Senate: November 30, 2015, with designated effective date of July 1, 2016

[Legislative history of Revision 0](#)