Utah Tech University

Policy 150: Minors and Vulnerable Adults on University Premises

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I. Purpose

1.1 Utah Tech University ("the University") is committed to ensuring the safety and security of all individuals within its University community. The University has a particular concern for those who are potentially vulnerable, including minor children and vulnerable adults who require special attention and protection and are involved in our programs, services, activities, or who visit University Premises.

II. Scope

2.1 This policy provides procedures and guidelines that apply broadly to interactions between Minors and University students, faculty, staff, volunteers, and University-sponsored or co-sponsored programs or activities. It further applies to all non-University organizations, entities, or agreements that operate programs or activities involving Minors or Vulnerable Adults on University Premises. All parties interacting with Minors or Vulnerable Adults within the University community are responsible for understanding and complying with the policy, to fulfill our obligations as mandated by law, and to provide the safety and protection of any Minors or Vulnerable Adults visiting University Premises or participating in university-related programs. For the purpose of this policy only, the term "Minor" will be used hereafter, but will be assumed to include and apply to "Vulnerable Adults" as well (Defined in Section III).

III. Definitions

3.1 ***Abuse:*** Physical or emotional harm of a Minor or Vulnerable Adult, sexual abuse of a Minor or Vulnerable Adult, neglect of a Minor or Vulnerable Adult, non-accidental harm of a Minor or Vulnerable Adult, threatened

harm of a Minor or Vulnerable Adult, or sexual exploitation of a Minor or Vulnerable Adult, or as further defined by Utah Law.

3.2 ***Authorized Adult:*** Individuals 18 years of age or older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee Minors or Vulnerable Adults in University-sponsored or co-sponsored programs/activities, or activities on University Premises sponsored by outside organizations. This includes but is not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, independent contractors/consultants, and vendors on University Premises. Authorized adults' roles may include positions such as counselors, chaperones, coaches, instructors, etc. This definition does not include temporary guest speakers, presenters, and other individuals who have no direct contact with program participants other than short-term activities supervised by an Authorized Adult.

3.3 ***Designated Area:*** Open public area or otherwise approved space, such as an office area with exposure to the outside by window or open door.

3.4 ***Direct Contact:*** Providing care, supervision, guidance, or control of Minors, and/or routine interaction with Minors. This subsection does not apply to concurrent enrollment students or minor students enrolled in University credit and non-credit courses.

3.5 ***Minor:*** Any person under 18 years of age.

3.6 ***Non-University-sponsored program/activity:*** Any program not sponsored by the University that is held on University Premises through an authorized rental agreement.

3.7 ***One-on-one Contact:*** Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other adult, parent, or legal guardian present.

3.8 ***Programs:*** Programs, services, and activities offered on or off University Premises by the University or by non-University groups using University facilities or on University Premises. This includes, but is not limited to, instruction, student activities, workshops, sports camps, academic camps, conferences, pre-enrollment visits, or similar activities.

3.9 ***Sponsoring Unit:*** The academic or administrative unit of the University that offers a program or gives approval for use of the facilities.

3.10 ***Statement of Acknowledgement Waiver Form:*** A form to be completed by authorized adults not employed by the University but assigned to work

with Minors or Vulnerable Adults in University-sponsored or co-sponsored events.

3.11 ***University Premises:*** All University campuses and all University land, buildings, facilities, and other property in the possession of, or owned, used, leased, or controlled by the University including, but not limited to, items such as adjacent streets and sidewalks, vehicles, computers, web sites, and University-owned and/or operated computer networks, including wireless internet access.

3.12 ***University-sponsored or co-sponsored program/activity:*** A program at which University-affiliated employees are present and participate, that is sponsored by the University exclusively or in partnership with an outside organization and is in accordance with the University Mission. This includes hosted and/or occurring activities on University Premises.

3.13 ***Vulnerable Adult:*** An adult over 18 years of age who has a mental or physical impairment that substantially affects that person's ability to: (i) provide personal protection; (ii) provide necessities such as food, shelter, clothing, or medical or other health care; (iii) obtain services necessary for health, safety, or welfare; (iv) carry out the activities of daily living; (v) manage the adult's own resources; or (vi) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.

3.13.1 For the purpose of this policy only, the term “Minor” will be used hereafter, but will be assumed to include and apply to “Vulnerable Adults” as well.

IV. Policy

4.1 The University will comply with all state and federal laws concerning the protection of Minors in programs sponsored or co-sponsored by the University or sponsored by outside organizations. In addition to this policy, future programs (such as daycare) may be subject to stricter state and federal laws and regulations. In such instances, those stricter laws prevail.

4.1.1 In keeping with the University’s commitment to the protection of Minors, and in compliance with applicable state and federal laws, any employee, student, or volunteer of the University who has reason to believe any Abuse of a Minor occurring on University Premises or during University-sponsored or co-sponsored programs/activities is required to immediately report such conduct to the University Police Department, the Division of Child and

Family Services (DCFS), or to the nearest peace officer or law enforcement agency. This reporting requirement under this policy does not abridge or alleviate the responsibility of the employee or volunteer to make a report to the Office of Equity Compliance and Title IX as per University Policies 154 or 164 as applicable. Additional Reporting Requirement

4.1.1.1 Additional Reporting Requirement: Additionally, reports of alleged Abuse of a Minor shall also be made to the University Police Department (if not already made), the Office of Equity Compliance and Title IX, and any other appropriate department or office. Such reports should include the name of the victim and assailant (if known), other identifying information about the victim and assailant, the location of the activity, and the nature of the activity. Upon receiving such a report, along with initiating investigatory procedures, University Police shall promptly notify the appropriate Vice President of the incident. The appropriate Vice President shall inform the President, who, through periodic reporting, informs the Board of Trustees.

4.2 Code of Conduct for Authorized Adults

4.2.1 Authorized Adults participating in University-sponsored programs covered by this policy shall not:

4.2.1.1 Have One-on-one Contact with Minors. There must be at least one adult present and a minimum of one Authorized Adult present during activities where Minors are present. The only exceptions, which are to be used in a very limited and official capacity, are in open public areas and/or Designated Areas.

4.2.1.2 Have any direct electronic contact (email, text, or social media) with Minors without another authorized adult being included in the communication. All such communications shall be exclusively for official University business and shall be completed in a professional manner. This sub-section does not apply to concurrent enrollment students or minor students enrolled in University credit or non-credit courses.

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

4.2.1.4 Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner any Minor.

4.2.1.5 Transport Minors, other than the driver's own child(ren) or relative(s), to or from University-sponsored activities, except as specifically authorized in writing by the Minors' parents or legal guardians.

4.2.1.6 Engage in abusive conduct or sexually provocative games, including hazing (See Policy 423 for definition) or any activity involving harassment, Abuse or humiliation.

4.2.1.7 Allow any inappropriate touching, including between Minors.

4.2.1.8 Use prohibited, derogatory, inflammatory, pervasive, sexually based, sexually insinuative, or sexually suggestive comments. Language should be reasonable, prudent, and age appropriate.

4.2.1.9 Consume in the presence of, or provide alcohol or illegal drugs to, any Minor. Authorized Adults shall not provide prescription drugs to any medication to a Minor unless specifically authorized in writing by the parent or legal guardian.

4.2.1.10 Make sexual material in any form, including printed and electronic, available to Minors participating in programs covered by this policy or assist them in any way in gaining access to such materials. Exceptions would be for a disclosed and/or required academic curriculum.

4.2.1.11 Shower, bathe, or undress with or in the presence of, any Minors.

If an allegation of inappropriate conduct is made against an adult participating in a program, the adult will immediately discontinue any further participation in all programs and activities covered by this policy until such allegation has been appropriately investigated and resolved.

4.3 The University requires that directors or leaders of any University-sponsored or co-sponsored program/activity:

4.3.1 Have all personnel working with Minors be Authorized Adults and/or have an Authorized Adult to-adult ratio of at least 1-to-1 (see definition of One on one Contact and Section V). Personnel must be compliant with University Policy 329: Criminal and Other Background Checks or an equivalent or higher-level criminal

background check.

4.3.2 Provide evidence of appropriate training and experience (to include Code of Conduct for Authorized Adults (Section 43 of this policy), emergency/safety procedures, crime prevention against Minors, identification and reporting requirements) of all adults supervising Minors. Official approval will be in accordance with the University's Human Resources department.

4.3.3 Have an Authorized Adult and/or other responsible party sign the Statement of Acknowledgement Waiver and Certificates of Insurance and other participant waiver forms.

4.3.4 Provide an adequate number of Authorized Adults to supervise program participants for the type of activity sponsored. For all activities, at least two persons should be present with a minimum of one being trained and authorized. The only exceptions, which are to be used in a very limited and official capacity, are in open public areas and/or Designated Areas.

4.3.5 Minors are also restricted from other facility areas or from using certain equipment to avoid inappropriate One-on-one Contact and other potentially dangerous situations.

4.4 University faculty, staff, students, or volunteers serving as Authorized Adults who supervise Minors shall complete an initial mandatory training and complete on-going training at least every two years with emphasis on the conduct requirements of this policy, the prevention of the Abuse of Minors, recognizing signs of Abuse, and appropriate and required reporting of incidents of improper conduct involving Minors.

4.5 Exceptions to the one-on-one supervision requirement:

4.5.1 Enrolled minor students including concurrent enrollment are allowed in the classroom setting, general public use areas, and/or Designated Areas in accordance with their program requirements.

4.5.2 Minors participating in a program/activity, independent program/activity using, or visiting are allowed in the general-use facilities (athletic fields, public spaces, academic buildings, food services areas, etc.) but must be supervised.

V. References

5.1 The Child Abuse Prevention and Treatment Act (CAPTA) of 1974,

reauthorized 2010

5.2 The Clery Act, 20 USC § 1092(f) and 34 CFR 668.46 (implementation)

5.3 Title IX of the Education Amendments of 1972

5.4 Utah Code 62a-4a-101, 402, 403, 408, 411 Utah Mandatory Reporting Requirements

5.5 Utah Code 76-5-401 Sexual Offenses

5.6 Utah Code 76-5b-201 Sexual Exploitation Act

5.7 Utah Code 78A-6-105 Definitions

5.8 University Policy 157: Personal Conduct/Conflict of Interest

5.9 University Policy 329: Criminal Background Checks

5.10 University Policy 423: Campus Safety and Security

5.11 University Policy 552: Student Conduct Code

5.12 University Policy 633: Faculty Rights and Responsibilities

VI. Procedures

6.1 Criminal Background and Other Checks

6.1.1 Background checks for all Authorized Adults, including official volunteers of the University, must be reviewed and approved by the University's Human Resources department prior to individuals being hired and/or assigned to work with Minors.

Based on the results of a background check, the Executive Director of Human Resources shall, in consultation with the appropriate University officials, determine whether or not an employee or volunteer will be permitted to participate in a program or activity covered by this policy. Results of background checks conducted under this policy shall be used for the purposes of this policy. The University reserves the right to take appropriate disciplinary action, including termination, in accordance with University policy, for employees who may have previously falsified or failed to disclose information. Copies of background check reports will be retained by Human Resources.

6.2 Mandatory Training for Authorized Adults

6.2.1 Authorized Adults must be trained on the basic warning signs of Abuse or neglect, identification of crimes against Minors, and proper reporting requirements. Training of Authorized adults and any other pertinent University employee shall be provided through the University's Human Resources department.

6.2.2 It is the responsibility of all outside organizations, vendors, licensees, or others who are given permission to come onto or use University Premises for events or activities that will include participation of Minors to ensure that they have equivalent or similar policies and procedures in place for background screening requirements, training, adherence to this policy's Code of Conduct for Authorized Adults (Section 4.3), as well as proper procedures for identifying and reporting Abuse of a Minor. The University's Human Resources department must be contacted for compliance of requirements.

6.2.3 Training for authorized adults shall include:

6.2.3.1 Information about the Code of Conduct for Authorized Adults (Section 4.3), responsibilities, expectations, policies/procedures, enforcement, appropriate crisis/emergency responses, safety and security precautions, confidentiality issues involving Minors, and basic University responsibility/liability.

6.2.3.2 Accessing emergency services on and off University Premises.

6.2.3.3 Prevention, identification, procedures and reporting requirements if a program participant discloses any type of assault or Abuse (at any time previously or during the program), or an authorized adult has reason to suspect that the participant has been subject to such assault or Abuse.

6.2.3.4 Industry practice standards of supervisors to Minors ratios (American Camp Association).

6.3 Communication and Notification

6.3.1 Report misconduct of any type or to prevent imminent danger:

6.3.1.1 Call St. George City Police Dispatch: 435-627-4300.

6.3.1.2 For emergencies, dial: 9-1-1.

6.3.2 Other institutional organizational resources, after the general

requirements for reporting abuse of a Minor or Vulnerable Adult as outlined in section 4.2 and 6.3.1 above are met, can be considered as well, including but not limited to, the CARE Team and the whistleblower website, which has been established to allow anyone to report misconduct anonymously.

6.3.3 In case of an emergency, including medical or behavioral problems, natural disaster, or other significant program disruptions, the University's sponsoring unit/program shall:

6.3.3.1 Establish an appropriate procedure for the notification of each Minor's parent/legal guardian or vulnerable adult's relative/legal guardian.

6.3.3.2 Maintain a list of all participants. This list shall include each participant's name, gender, age, address, and phone number(s) of parents or legal guardians, as well as emergency contact information.

6.3.3.3 Provide information to parents or legal guardians detailing the manner in which the participant can be contacted during the program.

6.4 Medical Treatment, Administration of Medicines, and Emergency Services

6.4.1 The sponsoring unit/program will obtain a Medical Information and Release Form for each program participant if it is applicable to the program or activity engaged in. Program staff shall be responsible for reviewing all forms, securing the information on the forms, and for assessing the needs of each program participant. The Medical Information and Release Form can be obtained by the sponsoring unit/program when applicable.

6.4.2 Parents and/or guardians are responsible for the Minor's medical condition(s). They are expected to notify personnel of the participant's state of health and needs, and arrange for any potential medical requirements and/or use of medication (see Section 4.3.1.9).

6.4.3 If possible, the program staff may keep medicine in a secure location for the participant; however, the program staff and the University are not responsible for the administering medication or ensuring that participants adhere to their medication requirements.

6.4.4 Prescription medications that are self-administered may be carried

by the participant during program activities (examples include, but are not limited to, personal "epi" pens and asthma inhalers).

6.4.5 Program staff should make reasonable efforts to have basic first-aid kits available as needed.

6.4.6 The sponsoring unit, if required, will arrange for medical care, including emergency medical services, appropriate for the nature of program activities.

6.4.7 The sponsoring unit will notify St. George City Police Dispatch or 9-1-1 and parents or legal guardians if emergency medical services are required.

6.5 Program Rules of Conduct for Participants

6.5.1 Program staff will develop and make available to participants the rules and disciplinary measures applicable to the University-Sponsored program. These rules shall align with this Policy's Code of Conduct for Authorized Adults (Section 4.3).

6.5.2 Program participants and Authorized Adults must abide by all University regulations and may be removed from the program for non-compliance with rules.

6.6 Assumption of Risk Waiver in Programs or activities by Participants/Legal Guardians

6.6.1 Authorized Adults will obtain from participants the applicable Media, Photo, and Video Release Waiver Forms, Medical Forms, and/or Assumption of Risk Waiver Forms as part of the program registration process. These forms may be obtained from the sponsoring unit/program. All data gathered shall be confidential, are subject to records retention guidelines, and will not be disclosed, except as provided by law.

6.7 Minors in the Workplace

6.7.1 To reduce the potential for accidents and incidents in which children either harm themselves or inadvertently create a hazard for others, the University addresses and complies with health, safety, environmental, and regulatory requirements.

6.7.2 Minors are not allowed in the workplace on a regular basis. Rarely, and with supervisory approval (in advance), may an employee bring his or her Minor(s) to work in an extraordinary or extenuating

circumstance. In all cases of Minors in the workplace, the University is not responsible for ensuring the Minor is safe and well supervised. The employee, student, or guest is fully responsible for the safety and supervision of the Minor for the entire visit. Specifically, employees who bring a Minor to work must ensure that the Minor does not interrupt normal workplace activities.

6.7.3 Supervisors and department heads may place additional restrictions on the presence of Minors in the workplace consistent with the environment and the demands of the work being performed.

6.7.4 Employees who bring a Minor to the workplace for extended periods of time must:

6.7.4.1 Obtain permission in advance from their supervisor beforehand.

6.7.4.2 Provide line-of-sight supervision of the Minor(s) at all times.

6.7.4.3 Ensure the Minor(s) shall not be left alone at any time or left with other employees.

6.7.4.4 Ensure the Minor shall not interrupt normal workplace activities.

6.7.5 Minors shall not be allowed to:

6.7.5.1 Play on University Premises anywhere unattended.

6.7.5.2 Perform work of any kind at any time, other than permitted by the U.S. Department of Labor.

6.7.5.3 Drive University-owned motorized vehicles, including golf carts.

6.7.5.4 Be present in the following high-risk areas:

6.7.5.4.1 Laboratories, workshops, studios, power plants, garages, and food preparation areas.

6.7.5.4.2 Any area, indoors or out, containing power tools or machinery with exposed moving parts.

6.7.5.4.3 Any area where University vehicles, such as heavy-duty machinery, grounds equipment, or other motorized equipment, are being used.

6.7.5.4.4 Any other high-risk area, including, but not limited to, rooftops and construction zones.

6.7.6 In the event that a visiting Minor becomes lost on University Premises, the employee shall immediately contact St. George City Police Dispatch at 435-627-4300 or call 9-1-1 for assistance in locating the Minor.

6.8 Minors in Classrooms

6.8.1 Minors are not permitted in University classrooms unless they are an integral part of instruction, are enrolled in the course, or are participating in a field trip or event. Rarely, and with instructor's or a Department Chair's approval (in advance), may a student bring a Minor(s) to class in an extraordinary or extenuating circumstance.

6.8.2 In all cases of Minors in the classroom, the University is not responsible for ensuring the Minor is safe and well supervised. The student, or guest is fully responsible for the safety and supervision of the Minor for the entire class.

6.8.3 The University and Instructors have the authority to ask students who bring Minors into a class to leave.

6.8.4 Adults who bring Minors onto University Premises shall not leave Minors unattended in hallways and restrooms, or public, common areas. These adults are fully responsible for the safety and supervision of such Minors while on University Premises.

6.9 Minors in Laboratories

6.9.1 University laboratories involve the use of hazardous materials and items that are considered dangerous. Under no circumstances are Minors allowed in a University laboratory, or left unattended anywhere in the vicinity of the laboratory unless they are an integral part of instruction, are enrolled in the course, or are participating in a field trip or event.

6.9.2 Unattended Minors must never be present anywhere in a laboratory or its surrounding areas.

6.10 Statement of Acknowledgement Waiver (Addendum Policy 150 A)

6.10.1 Entities leasing or renting University Premises shall, in a facility-use agreement, review, acknowledge, and sign responsibilities and liabilities for the protection of Minors supervised in the program.

6.10.2 Authorized Adults not employed by the University but assigned to work with Minors in University-sponsored or co-sponsored events must sign and submit the Statement of Acknowledgement Waiver Form to the appropriate University program director before any interaction with Minors. The program director is responsible for obtaining, maintaining, and archiving the appropriate forms with signature(s).

6.11 Enforcement

6.11.1 Sanctions for violations of this policy will depend on the circumstances and the nature of the violation, but may include the full range of available University sanctions violating this policy are applicable to the individual (faculty, staff, student, and guest), including corrective action, suspension, dismissal, termination, and, where appropriate, exclusion from University Premises. All persons (faculty, staff, students, and guests) are required to report violations of this policy to the nearest located department office or his or her supervisor or department head. All persons and supervisors not complying with the policy may face disciplinary sanctions. The University may also take necessary interim actions before determining whether a violation has occurred. The University may terminate relationships or take other appropriate actions against non-University entities that violate this policy.

VII. Addenda

7.1 University Policy 150 A: Statement of Acknowledgement Waiver

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Policy Owner: President; Vice-President of Administrative Affairs; Chief Human Resources Officer
Policy Steward: Executive Director of Audit, Risk, and Compliance

History:
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