

Procedures for the Protection of Minors on Campus

Responsible Department: Human Resources

Effective Date: September 29, 2015

1. Purpose

These procedures support University of Denver policy concerning the protection of minors on campus. The University prohibits by any person abuse or neglect of, or inappropriate conduct involving, any minor on its campus or any minor involved with a University *Program*. The University requires reporting of all suspected or actual instances of *Abuse or Neglect*, of any minor on the University campus and any minor involved in a *Program*. This reporting requirement applies regardless of whether an affected minor is participating in a University *Program*.

2. Scope

These procedures apply to *University-Related Individuals* in their interactions with minors on campus. The University expects all *University-Related Individuals* to adhere to and act in accordance with these procedures. If there is a conflict between these procedures and requirements imposed by law on any University *Program* (for instance, laws applying to early childhood and elementary school education, the Clery Act, or laws requiring the reporting of *Abuse or Neglect*), the legal requirements supersede these procedures.

3. Definitions

Terms defined in this section appear in *italics* elsewhere in these procedures.

Abuse or Neglect – Infliction of physical or mental injury, sexual abuse, exploitation, negligent treatment, or maltreatment of a minor. This includes any conduct with a minor that a reasonable person would view as inappropriate. Neglect includes the failure to take reasonable efforts to prevent the infliction of abuse upon a minor.

Authorized Individuals – *University-Related Individuals* who have completed and cleared a criminal background and fingerprint check as discussed in these procedures and who have successfully completed designated training as discussed in these procedures.

Participant – A minor (a person under the age of eighteen)¹ who is not enrolled in an undergraduate/graduate program of study at or employed by the University and who participates in a *Program* offered by an academic, recreational, or administrative unit of the University.

Program – Includes, but is not limited to, University-sponsored on-campus or off-campus sport camps, workshops, academic programs, music programs, counseling of any kind, recruiting activities, conferences, and programs through the Fisher Early Learning Center and the Ricks Center for Gifted Children, any of which include one or more *Participants*. A *Program* does not include:

- Activities on campus where minors are under the supervision of another organization or person not affiliated with the University of Denver that has arranged for participation of minors in the activity.
- Faculty and staff providing non-University-related services on campus as independent contractors when such services are not a part of faculty or staff University job duties.
- Events and activities open to the public attended by unsupervised minors who are not present because of participation in a *Program*.
- Private events held on University property where minors attend under parental or legal guardian supervision or consent.

University-Related Individuals – University of Denver trustees, officers, faculty, staff, students, and individuals providing services for the University as contractors, independent contractors, or volunteers.

4. Procedures Applying to Interactions with Minors on the University of Denver Campus

University-Related Individuals are expected to make reasonable efforts to ensure the safety of all minors on the University of Denver campus, regardless of whether a minor participates in a *University Program*.

a. Expectations. The following expectations apply to all *University-Related Individuals* while involved in, or purportedly involved in, duties on behalf of the University or while on University property:

- Adhere to all requirements of these procedures and University policy concerning the protection of minors on campus.
- Always be vigilant in protecting the well-being and safety of all minors on the University campus and all minors involved in *Programs*. Be familiar with University safety and security procedures and procedures for handling emergencies.
- Report immediately to the University Department of Campus Safety suspected or actual instances of *Abuse or Neglect*, of any minor on the University campus and any minor involved in a *Program*.
- When required by Colorado law, report to appropriate state or local government officials suspected or actual instances of *Abuse or Neglect*.

¹ Colorado law provides several different age-related definitions of a minor, depending on the circumstances. University policy chooses age 18 as the cut-off, which is consistent with the definition contained in the Colorado Children's Code. See Colorado Revised Statute section 19-1-103(8)(a).

- Demonstrate respectful behavior toward minors. Do not engage in *Abuse or Neglect* of any kind toward, or in the presence of, a minor.
- When having a one-on-one interaction with a minor, meet in an open, well-illuminated space or in a room with an open door or windows observable by other *University-Related Individuals* whenever reasonably feasible and practical.²
- Do not provide alcohol, tobacco products, or illegal drugs to a minor.
- Do not engage in any sexually oriented behavior with a minor. Do not touch a minor in a manner that a reasonable person could interpret as inappropriate.
- Do not take or display photographs or videos of a minor with University equipment without first obtaining a signed release from the minor’s parent or legal guardian.

b. Reporting Potential Harm to Minors on Campus. The University’s Department of Campus Safety is staffed 24 hours a day year-round by trained professionals employed to serve the University community. In life-threatening emergencies, or when there is a need for immediate police, fire, or medical assistance, make the following two calls:

- 911
- 303-871-3000

Any *University-Related Individual* who knows, suspects, or receives information that a minor on campus has been *Abused or Neglected*, or who has other concerns about the safety of a minor on campus (including a missing minor), must inform one or more of the following, available 24 hours a day year-round:

- Department of Campus Safety at 303-871-3000
- University Human Resources at 303-871-7420
- DU Compliance and Ethics Hotline at 303-871-7439 (anonymous reports are accepted)

This reporting requirement applies regardless of whether an affected minor is participating in a University *Program*. Questions about reporting obligations or handling a situation involving a minor on campus can be directed to the Department of Campus Safety or University Human Resources.

Colorado Revised Statute section 18-8-115 states that it is the duty of every person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities. When acting in good faith, a person is immune from any civil liability for reporting. In addition, Colorado Revised Statute section 19-3-304 requires “public and private school officials or employees” to report to county child welfare or local law enforcement: (a) circumstances when a person has reasonable cause to know or suspect child abuse has occurred; and (b) circumstances

² If the only option for *University-Related Individuals* is to meet one-on-one with a minor in a closed space without a window, a *University-Related Individual* in a managerial role must implement periodic, regular, random, and unannounced check-ins. Check-ins can include listening at a door when opening the door would be disruptive to the meeting.

when a person has observed a child being subjected to conditions that would reasonably result in abuse. Direct questions concerning reporting obligations to the Office of General Counsel at 303-871-4646.

In addition, the Clery Act requires institutions to maintain statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus, and at certain non-campus facilities including Greek housing and remote classrooms. The Clery Act also requires timely warnings of crimes that pose a serious or ongoing threat to persons on campus. Contact the Department of Campus Safety if you have any questions about the application of the Clery Act to a particular incident or circumstance.

The University's Code of Business Conduct Policy requires that all *University-Related Individuals* report concerns coming to their attention. Retaliation against another for a good faith report will not be tolerated.

c. Criminal Background Checks. The following *University-Related Individuals* must undergo a criminal background check before regularly interacting with minors as a part of their responsibilities:

- *University-Related Individuals* who regularly spend time with minors as part of their responsibilities;
- *University-Related Individuals* who directly supervise those who regularly spend time with minors; and
- *University-Related Individuals* who supervise overnight stays by minors as part of their responsibilities.

University Human Resources will oversee the processing of criminal background checks. If a background check reveals adverse information, Human Resources, in consultation with other campus resources, as appropriate, will conduct an assessment to determine whether the individual should be permitted to have regular involvement with minors as a part of their responsibilities, taking into account the following:

- The nature of the finding;
- The position for which the applicant is being considered;
- The applicant's employment history and other evidence of his or her activities in the intervening time since the finding;
- Other relevant information; and
- Requirements under the federal Fair Credit Reporting Act and any other applicable laws.

University-Related Individuals must immediately disclose to Human Resources any felony conviction that occurs while employed by or volunteering for the University. *University-Related Individuals* must also immediately disclose any misdemeanor conviction involving an act of violence, aggression, mistreatment, or *Abuse or Neglect*. *University-Related Individuals* are not required to disclose a traffic offense, unless the offense results in a felony conviction or a misdemeanor conviction as described above. If Human Resources discovers a relevant unreported conviction through a criminal history check or other means,

the *University-Related Individual* may be separated from the University or requested to discontinue volunteer activities. The decision in this regard is solely at the discretion of the University.

d. Training. The following *University-Related Individuals* must successfully complete training before regularly interacting with minors as a part of their responsibilities:

- *University-Related Individuals* who regularly spend time with minors as part of their responsibilities;
- *University-Related Individuals* who directly supervise those who regularly spend time with minors; and
- *University-Related Individuals* who supervise overnight stays by minors as part of their responsibilities.

Training, which will be developed and updated by Human Resources, must provide information about recognizing behavioral signs that a minor may exhibit if the minor has been victimized. Training must also provide information on procedures for reporting misconduct and must emphasize the importance of reporting actual or suspected *abuse* or *neglect* of any minor on the University campus and any minor involved in a *Program*. *University-Related Individuals* must complete refresher training annually as long as their responsibilities include those articulated above.

e. Addressing Reports of Abuse or Neglect. Whenever the University receives a report of alleged *Abuse or Neglect* of a minor pursuant to section 4.b above or by any other means, the Director of Human Resources, or a designee, should promptly meet with the Office of General Counsel and other University leadership, as appropriate, and must:

- Take steps to prevent further harm to the minor involved and other minors, including, where appropriate, removing the alleged abuser from the campus or limiting his or her contact with minors pending resolution of the matter.
- Determine whether local law enforcement or county child welfare has already been notified and, if not, whether notification is required or appropriate given the circumstances.
- If a parent or legal guardian of the minor involved has not been notified, and is not the alleged abuser, promptly notify the parent or legal guardian.
- Investigate the report and resolve the matter in a way that safeguards minors on campus, protects the interests of victims and reporters, affords fundamental fairness to the accused, and meets relevant legal requirements.
- Facilitate the University's cooperation with any investigation conducted by local law enforcement, county child welfare, or any other governmental agency.

5. Procedures Applying to *Programs* and *Participants*

This section sets expectations for all *University-Related Individuals* concerning *Participants* who participate in *Programs* offered by academic, recreational, or administrative units of the University.

a. Permissions and Authorizations. For any *Participant* under the age of fourteen, *University-Related Individuals* running a *Program* must obtain an agreement to participate in the *Program* through a completed and signed permission form from the *Participant's* parent or legal guardian before the *Participant* can participate in the *Program*. The *Program* must collect the following information about the *Participant* as part of the permission form:

- The *Participant's* name, gender or sex, age, and address;
- At least one phone number for a parent or legal guardian;
- Emergency contact information;
- Information about any special needs of the *Participant* that might affect the *Participant's* ability to participate in the *Program*, including dietary restrictions or the need for ADA accommodations.

University-Related Individuals running a *Program* for *Participants* under the age of fourteen must also establish a procedure for notifying the *Participant's* parent or legal guardian in case of an emergency. Before the *Participant* participates in a *Program*, *University-Related Individuals* must provide information to a parent or legal guardian explaining the procedure for contacting the *Participant* during the *Program*. *University-Related Individuals* must also provide information about how a parent or legal guardian may report concerns about any incidents that may have occurred during the *Participant's* participation in the *Program*. *University-Related Individuals* running a *Program* must implement and make available to *Participants*, parents and legal guardians, and *Authorized Individuals* the rules and discipline measures applicable to the *Program*.

University-Related Individuals running a *Program* for *Participants* age fourteen and over should endeavor to obtain and provide the information described above when reasonably feasible and practical. These procedures recognize that it is not always feasible or practical to obtain this information in some circumstances.

Whenever a *Participant* is expected or scheduled to be involved in an overnight *Program*, *University-Related Individuals* running the *Program* must obtain from the *Participant's* parent or legal guardian:

- An agreement to participate in the *Program* through a completed and signed permission form, which captures the information described above concerning permission forms; and
- A signed form that allows *University-Related Individuals* to authorize emergency medical treatment.

University-Related Individuals running a *Program* where *Participants* do not spend an overnight stay as a part of the *Program* should endeavor to obtain the above information when reasonably appropriate, feasible, and practical.

b. Supervision. *University-Related Individuals* running a *Program* must ensure adequate supervision of *Participants* by *Authorized Individuals* while they are participating in the *Program*. This includes ensuring that *Authorized Individuals* visually supervise all *Participants* at all times. To ensure

adequate visual supervision, the following are recommendations for the ratio of *Authorized Individual-to-Participants*:³

- *Participants* ages 4-5 – One *Authorized Individual* for every 6 *Participants*
- *Participants* ages 6-8 – One *Authorized Individual* for every 8 *Participants*
- *Participants* ages 9-14 – One *Authorized Individual* for every 10 *Participants*
- *Participants* ages 15-17 – One *Authorized Individual* for every 12 *Participants*

University-Related Individuals running a *Program* should consider these recommendations, but should set *Authorized Individual-to-Participant* ratios based on the unique circumstances and activities of the *Program* they run. Subject to a manager's approval, *University-Related Individuals* running a *Program* have the discretion to set *Authorized Individual-to-Participant* ratios based on the following factors:

- Number and age of *Participants*;
- Activities involved in the *Program*;
- Best practices applicable to the type of *Program*;
- Type of housing, if applicable; and
- Age and experience of the *Authorized Individuals*.

When supervising *Participants* overnight, and whenever possible, an *Authorized Individual* should not enter a *Participant's* room, bathroom facility, or similar area without a second *Authorized Individual* present or in the immediate vicinity.

For non-*Program* activities on campus, the University recognizes that minors present are under the supervision of the unaffiliated organization or person. *University-Related Individuals* contracting with unaffiliated organizations or persons in these instances should include, when possible, appropriate, language in contracts confirming supervisory responsibilities of the unaffiliated organization or person. When possible, all third-party organizations contracting to use University facilities to host an activity involving minors must, and all contracts with contractors and independent contractors who will have interactions with minors as part of a *Program* must:

- Certify that the third-party organization has implemented procedures to ensure the safety and well-being of minors participating in its activity or include a provision that requires compliance with all of the provisions of these procedures;
- Provide evidence of general liability insurance coverage in an amount satisfactory to the University and must name the University as an additional insured on the insurance policy for the duration of activity;
- Agree to release and indemnify the University from all liability and claims for damages from any cause and defending and holding the University harmless against any and all claims arising from the actions of the third-party organization, its employees, and its volunteers.

³ See *Managing the Risk of Minors on Campus*, Gallagher Higher Education Practice, 2012, page 48

University-Related Individuals must report actual or suspected *Abuse* or *Neglect* regardless of whether a contract with an unaffiliated organization or person includes the provisions described above.

6. Enforcement and Questions

It is the responsibility of *University-Related Individuals* who manage programs involving those who regularly spend time with minors to ensure compliance with these procedures and to maintain appropriate records demonstrating that compliance. Compliance responsibilities include, but are not limited to, ensuring that all:

- Forms and other communications satisfy the requirements of the procedures;
- *University-Related Individuals* subject to background check requirements undergo a check before regularly interacting with minors as part of their responsibilities;
- *University-Related Individuals* subject to training requirements, including annual refreshers, complete the training before regularly interacting with minors as part of their responsibilities; and
- *University-Related Individuals* understand reporting requirements related to *Abuse* and *Neglect* regardless of whether an affected minor is participating in a *University Program*.

Violations of University policy or these procedures concerning the protection of minors on campus can result in disciplinary action including suspension, dismissal, termination, and, where appropriate, exclusion from campus. 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 organizations or persons that violate these procedures.

Contact University Human Resources at 303-871-7420 with questions about University policy or these procedures concerning the protection of minors on campus. University Human Resources may modify these procedures as necessary in order to best support the goals of University policy concerning the protection of minors on campus.