



### **2.2.13 Policy on Safety of Minors in University Programs and Activities**

The University of San Diego is committed to providing a safe and secure environment for children under the age of 18 (“Minors”) who participate in University programs and activities.

The University expects all employees, students, volunteers, contractors and visitors of the University to adhere to and act in accordance with this policy and any other related departmental policies and procedures that are implemented in furtherance of and in accordance with this policy.

#### **A. Covered Program Requirements**

The requirements in this section apply to all University-operated activities and programs in which Minors will be physically present and participating, whether the activities and programs occur on University property or at off-campus locations (“Covered Programs”). Covered Programs do not include (1) University undergraduate or graduate academic programs in which the only Minors participating in the programs are students enrolled at the University or another institution of higher education; (2) University events (e.g. fairs, festivals, athletic events, artistic events) that are open to the general public and people of all age groups, but at which children may be present or participate; (3) University events, programs and activities at which children are expected to be accompanied and supervised at all times by their parent(s) or legal guardian(s); or (4) activities or programs in which the only Minors who participate are University employees.

The following requirements govern participation in Covered Programs:

- ***Program Registration***

The University employee responsible for the Covered Program (or designee) shall register the Covered Program in the USD Program for Minors Registration System within sufficient time to meet the requirements of this policy. Each program will be registered the first time it is offered at the University and at least annually thereafter.

- ***Criminal Background Checks***

All University employees (without regard to date of hire by the University) who work in a Covered Program, and all volunteers who are expected to work more than eight

(8) hours for the Covered Program or who will have unsupervised contact with Minors, are required to submit to a criminal background check and to receive clearance to participate before they may care for, supervise, work with, or otherwise come into contact with Minors who participate in the Covered Program. The criminal background check will be administered under the direction of the Department of Human Resources.

A decision not to permit an individual to participate in a Covered Program based on the results of a criminal background check will be made by the hiring supervisor or dean/manager responsible for the Covered Program, in consultation with the Chief Human Resources Officer. The University will consider each situation on a case-by-case basis and will consider the nature of the offense, the nature of the position, the need to provide a safe and secure campus community, and the need to safeguard University assets. All criminal background investigations will be conducted in accordance with applicable federal and state laws and regulations.

- ***Training Requirements***

A Covered Program will require all of its employees and volunteers to be trained on appropriate conduct with or around children, protecting children from abuse and neglect, and reporting of known or suspected child abuse or neglect. The training must be completed before the employee or volunteer may care for, supervise, work with, or otherwise come into contact with Minors who participate in the Covered Program. For assistance in arranging for the training, please contact Human Resources.

## **B. Conduct Requirements**

All University employees, students, volunteers, contractors and visitors are expected to model professional and appropriate behavior at all times in their interactions with or in the presence of Minors who are on the University campus and/or who participate in Covered Programs or other University activities, whether on or off campus. The following are examples of the expected standards of conduct:

- Do not engage in inappropriate conduct of any kind toward or in the presence of a Minor. Examples of prohibited activity include, but are not limited to, engaging in romantic or sexual conversations or activity, making sexual comments, telling sexual jokes, or sharing sexually explicit material (or assisting in any way to provide access to such material) with or to Minors.

- Do not engage in any abusive conduct of any kind toward, or in the presence of, a Minor, including but not limited to verbal abuse, striking, hitting, punching, poking, spanking, or restraining. If restraint is necessary to protect a Minor or others from harm, the incident must be promptly documented and disclosed to the director of the Covered Program or other University activity.
- Do not allow any inappropriate touching of a Minor, including inappropriate touching between children.
- Do not allow a Minor to use inappropriate language unchallenged.
- Avoid, when possible, being alone with a Minor. If one-on-one interaction is required, the interaction should occur in locations that are observable by other adults from the Covered Program or other University activity.
- Minors should use a “buddy system” or otherwise be encouraged to stay together when going to the bathroom, on field trips, or when leaving the classroom area.
- Do not tell Minors “this is just between the two of us” or use similar language that encourages Minors to keep secrets from their parents or legal guardians.
- Do not meet with Minors outside of the established times for Covered Program or other University activities. Exceptions require written parental authorization and approval from the director of the Covered Program or other University activity.
- Do not invite Minors to your home. Exceptions require written parental authorization and approval from the director of the Covered Program or other University activity.
- Do not engage or communicate with Minors through email, text messages, social networking websites, internet chat rooms, or other forms of social media at any time except and unless there is an educational or programmatic purpose and the content of the communication is consistent with that purpose and the mission of the University.
- Do not use, possess, or be under the influence of alcohol or illegal drugs while on duty in connection with a Covered Program, while interacting with a Minor in connection with any University-related programs or activities, or while otherwise responsible in any way for a Minor’s welfare.
- Possession of or use of any type of weapon or explosive device is prohibited.

### **C. Programs Conducted by Outside Entities on University Property**

From time to time, the University rents its facilities to outside entities that operate programs or activities in which Minors will be physically present and participate. All such outside entities must sign an appropriate contract with the University that governs their use of University facilities. Outside entities are responsible for the appropriate conduct, training, and oversight of their employees, volunteers, and other agents, and also are responsible for ensuring the appropriate supervision of any Minors who participate in their programs or activities that occur on University property.

### **D. Reporting Allegations of Inappropriate Behavior**

All University employees and volunteers are required to immediately report any known or suspected child abuse or neglect that occurs on campus, in any off-campus University building or property, or in connection with any Covered Program or any other University-related program or activity. In addition, all University employees who are mandated reporters under the California Child Abuse and Neglect Reporting Act are required to make reports as required by law. For more information, see the University's Policy on Reporting Child Abuse and Neglect.

### **Consequences of Failing to Comply**

Failure to comply with this policy may result in corrective action, as appropriate under the circumstances. For programs, the corrective action may range from warnings up to and including denial of the ability to offer the program. For individuals, the corrective action may range from verbal warnings up to and including termination from employment or other relationship with the University. If termination of a faculty member is contemplated, the applicable rules governing dismissal for serious cause will be followed.

September 2, 2014