



## UNIVERSITY POLICY:

# Children on Campus and Working with Minors Policy

Effective: August 12, 2014

Approval: January 30, 2024

## Purpose

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The University of Dayton (“University”) has an obligation to its students, faculty, staff, and visitors to conduct its operations and maintain its facilities in a manner consistent with its mission as a Catholic and Marianist institution of higher education. The University recognizes that children are a valued part of our campus community and is committed to providing appropriate supervision to minors who are involved in University-sponsored programs both on and off campus and non-University sponsored programs held on the University’s campus.

## Scope

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This policy applies to University activities and programs in which minors will be physically present and participating, either taking place on the University campus or under the authority and/or direction of the University at other locations, including virtual settings.

This policy also applies to visitors or guests of non-University groups using University facilities for programs or activities. Such groups must provide to the sponsoring University unit satisfactory evidence of compliance with all of the requirements of this policy prior to the scheduled program or activity.

This policy does not apply to: 1) general public events where parents or legal guardians are invited and are expected to accompany and provide supervision to minors in their care; and 2) the Bombeck Family Learning Center which follows separate policies that reflect their unique activities.

## Policy History

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- I. Effective Date: August 12, 2014
- II. Approval: January 30, 2024
- III. Policy History:
  - Approved in its original form: August 12, 2014
  - Approved as amended: January 1, 2015
  - Approved as amended: January 30, 2024

The University-wide Children on Campus and Working with Minors Policy was first issued in August 2014; however, the University of Dayton has, over the prior decades, had processes and procedures in place to ensure the safety of children on campus and participating in University programs.

### Definitions

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For the purposes of this policy, the following definitions apply:

1. **“Authorized Adult”** is an individual, age 18 or older, paid or unpaid, who supervises, chaperones, or otherwise Works with Minors in a Program. This includes but is not limited to: University employees, volunteers, graduate and undergraduate students, interns, employees provided by temporary agencies, employees and volunteers of non-University groups, and independent contractors/consultants. The role of an authorized adult may include positions such as counselors, chaperones, coaches, instructors, and other similarly situated persons.
2. **“Campus”** includes all domestic real property owned or leased by the University.
3. **“Child Abuse”** includes physical abuse, sexual abuse, emotional or mental abuse, and neglect of a minor, all as further described in Section III of this policy.
4. **“Legal Guardian”** is any person appointed under applicable law to make decisions regarding the care and management of the person, the estate, or both of a minor.
5. **“Mandatory Reporters”** is a category of people derived from the Ohio Revised Code (ORC) section 2151.421, which includes but is not limited to: attorneys, physicians, registered nurses, licensed practical nurses, or other health care professionals, licensed psychologists, licensed school psychologists, administrators or employees of a child day care center, administrators or employees of a residential camp or child day camp, administrators or employees of a certified child care agency or other public or private children services agency, school teachers, school employees, school authorities, and persons engaged in social work or the practice of professional counseling.
6. **“Minor”** is a person under the age of eighteen (18) who is not enrolled or accepted for enrollment at the University as a student. Please note that if an enrolled or accepted student is under the age of fifteen (15), portions of this policy may still apply; please contact the Office of Legal Affairs for guidance.
7. **“One-On-One Contact”** is personal, unsupervised interaction between an Authorized Adult and a Minor without at least one other Authorized Adult, Parent or Legal Guardian being present. Such contact is to be avoided by all adults on campus, whether considered an Authorized Adult under this policy or not.
8. **“Parent”** is the natural or adoptive parent of a minor child whose parental rights and responsibilities have not been terminated under applicable law.

9. “**Program**” is a program or activity that will potentially include Minors as participants and is offered by one of the various academic or administrative units of the University, whether on University property or not, or by a non-University group using University facilities, subject to the “Use of Facilities and Address” Policy. “Program” shall include but is not limited to: workshops, sport camps, academic camps, conferences, pre-enrollment visits, internships, employment, housing, departmental programs and other similar activities.
10. “**Program Participants**” are Minors who are involved in a Program.
11. “**Sponsoring Unit**” is the academic or administrative unit of the University which offers a Program or gives approval to a non-University group for their use of University housing or facilities for a Program.
12. “**Works with Minors**” means the participation in a Program by an adult in which the adult has the potential to work with and/or be alone with a Minor, unless the adult is the Parent, Legal Guardian or a person entrusted by the Parent or Legal Guardian of a Minor with the care of the Minor.

## Policy

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In order to maintain essential functioning of the University and provide for the safety of all Minors on Campus and/or participating in a Program, it is necessary to establish certain requirements governing the presence of Minors on Campus and their participation in a Program. The University will apply these requirements in a nondiscriminatory fashion and in a manner that preserves all Authorized Adults’ rights under federal or state laws.

### **I. Requirements of Policy Governing Presence of Minors on Campus**

A Sponsoring Unit offering or approving a Program shall abide, or shall ensure a non-University group abides, by the following requirements:

#### **A. All Minors:**

1. All Program Participants must provide a waiver or release form signed by a Parent or Legal Guardian prior to their participation in the Program. The Parent or Legal Guardian must also provide a medical treatment authorization form on behalf of the Minor.
2. If a Program will be granting Minors access to the University network, the waiver or release form discussed in Section I.A.1. shall include consent to the Minor’s use of the University’s network. If preferred by the Sponsoring Unit, a separate consent form may be used instead. If a Program will be allowing or directing Minors to use third-party software, the Program shall review any applicable terms and conditions to determine if additional Parent or Legal Guardian consent is needed.
3. All Program Participants must be supervised by an Authorized Adult(s) at all times while they are participating in that Program.

4. All Program Participants are permitted in the general use facilities (i.e. athletic fields, public spaces, academic buildings, food services areas, etc.) but may be restricted from certain areas of campus facilities or from using certain equipment (i.e. storage rooms, equipment rooms, research laboratories, University-owned vehicles, etc.).

### B. Pre-High School Age Children

All Minors who are 13 years of age and younger visiting Campus, including the Minors who are children of employees and students, must be escorted or supervised at all times by the Minor's Parent or Legal Guardian or an Authorized Adult. It is the responsibility of the Parent, Legal Guardian or other Authorized Adult to make the appropriate arrangements in agreement with this policy.

### C. High School Age Children

1. Minors who are 14 years of age or older may use University facilities open to the public, such as the library, University Bookstore, dining facilities, etc., as long as such Minors meet the same standards of behavior expected of enrolled students as found in the University Student Code of Conduct.
2. If Minors are participating in pre-enrollment visitations to campus (including prospective student athletes), the requirement for Minors to be escorted by two Authorized Adults will be waived. However, the standards of behavior expected of the enrolled students found in the University Student Code of Conduct and the "Conduct Requirements" section of this policy is to be adhered to strictly by such Minors.

### D. Programs

1. All Programs shall maintain an up-to-date list of all Program times and dates, locations, attendance information (names, ages and emergency contacts for Program Participants), and a Program contact, so that in the event of an emergency, appropriate measures may be taken. All Programs must establish a procedure for the notification of a Program Participant's Parent or Legal Guardian in the case of an emergency, which might include medical or behavioral issues involving the Minor, or changes in the Program due to unforeseen and significant disruptions. A Parent or Legal Guardian must also be given contact information in a manner in which the Program Participant can be contacted while the Program is in session.
2. All Programs must provide adequate supervision of Minors while they are on Campus. All Programs must be supervised by at least two or more Authorized Adults or by their Parent or Legal Guardian at all times.
3. All Programs must provide and supervise trained Authorized Adults who must be at least 18 years of age. Documentation that the Authorized Adults have taken the training required by Section II.A. should be maintained by a designated and identified member of the Program's Sponsoring Unit.

4. All Programs must establish a procedure for the pick-up and drop-off of Program Participants, specifying times and locations. No Program Participant shall be released to any person other than the Program Participant's Parent or Legal Guardian without prior written authorization that the Minor can be released to an entrusted adult. The Authorized Adult(s) overseeing the pick-up and drop-off of Program Participants shall remain at the specified location until all Minors have been properly released.

### **E. Minors brought to Campus that are not participating in a Program**

1. Minors brought to Campus by an employee, student, or visitor, and who are not participating in a Program, are the sole responsibility of the employee, student, or visitor. The person bringing the child to Campus is responsible for all aspects of the Minor's behavior including the Minor's safety and is financially responsible for any damages caused by the Minor.
2. Minors are permitted at events and venues open to the public. However, the University reserves the right to determine, in its sole discretion, whether selected events or venues are appropriate for unescorted or unsupervised Minors.

## **II. Implementing this Policy**

### **A. Training**

Each Authorized Adult, who is not the Minor's Parent, Legal Guardian or an entrusted adult of the Parent or Legal Guardian, who will be participating with Minors in a Program shall complete mandatory training in the conduct and reporting requirements of this policy. This training is given to maximize the protection of Minors from abuse of any kind. The appropriate vice president or area director may enhance and/or supplement the required training to meet specific needs of the particular Program.

### **B. Background Checks**

Authorized Adults who are working for a Program in which Minors will be physically present must comply with the University's Background Check Policy.

### **C. Conduct Requirements**

All Authorized Adults participating in a Program shall, at all times:

1. Not engage in abusive conduct of any kind toward, or in the presence of, a Minor. For example, no Authorized Adult shall strike, hit, administer corporal punishment or touch in an inappropriate or illegal manner, any Minor.
2. Not possess fireworks, firearms, knives, and other weapons, unless officially sanctioned and approved for use in the Program.
3. Not transport Minors, except as specifically authorized in writing by the Minor's Parent or Legal Guardian.

4. Not engage in the use of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs during such Program.
5. Not possess, have within reach and/or share sexually-oriented or morally inappropriate printed or computerized or portable materials (magazines, cards, videos, films, clothing, smartphones, etc.) in any form available to Minors participating in the Programs or assist Minors in any way in gaining access to such materials. The one exception would be legitimate sexual education programs in which the Minor's Parent or Legal Guardian has given prior written consent.
6. Not continue to participate in the Programs if an allegation of inappropriate conduct has been made against the Authorized Adult until such allegation has been satisfactorily resolved and future participation in a Program is permitted by the University.
7. Not engage in any activity that the University deems inappropriate.

The behavioral requirements in this policy are not meant to preclude enrolled University students from developing appropriate friendships with Minors who are close in age to the enrolled student; rather, the requirements are meant to protect Minors from inappropriate contact and relationships. Accordingly, the following behavioral expectations apply to Authorized Adults, but shall not be rigidly applied to enrolled University students or to other unique circumstances that qualify for an exception under Section IV:

1. Not have One-On-One Contact with Minors. In general, it is required that two or more Authorized Adults will be involved in a Program when minors are present.
2. Have separate accommodations from the Minors. An Authorized Adult should not enter a Minor's room, bathroom facility, or similar area without another Authorized Adult in attendance, consistent with the policy of not having One-On-One Contact with Minors.
3. Not take photographs or digital images of Minors without prior permission from the Minor's Parents or Legal Guardian.
4. Not engage in private communication not pertaining to Program matters with a Minor by email, text message or social media at any time, except when there is a clear educational purpose and the communication is consistent with the mission of the University.
5. Not meet with Minors outside of established times for the Program. Any exceptions require written consent from the Parent or Legal Guardian and must include more than one Authorized Adult from the Program.

#### **D. Programs held on University Property Hosted by Non-University Groups**

All non-University groups who host Programs using University facilities shall operate within the guidelines of this Policy. Those groups who do not meet the guidelines or ensure their Authorized Adults and Program Participants meet the proscribed standards of behavior may have their Programs cancelled or be asked to leave Campus.

### III. Reporting Requirements

Any person who witnesses any form of child abuse, inappropriate conduct or a violation of this policy shall report the incident in accordance with the requirements in Sections III.A., III.B. and III.C.

Child abuse is defined as abuse to a child under the age of 18 years of age in the form of:

1. Physical Abuse: acts or omissions that cause, or fail to prevent, a serious physical injury to a minor.
2. Sexual Abuse: rape, sexual assault, molestation, incest, indecent exposure, or exploiting a child in a manner in which the child is used for gratification or sexual enjoyment by another person.
3. Emotional or Mental Abuse: actions or omissions that have an actual or likely severe negative impact on a child's emotional and behavioral development, including those resulting from persistent or severe emotional mistreatment.
4. Neglect: a severe or persistent failure to provide for a minor's physical, emotional or basic needs. However, it is not neglect if the actual or suspected injuries result solely from economic or environmental factors that are beyond the parent or legal guardian's control.

#### A. Mandatory Reporters

Mandatory Reporters must report to a municipal or county peace officer (e.g., city police or county sheriff) or a public children services agency if they know or suspect that child abuse has occurred or that a threat of such abuse exists, as required by Ohio Law. Mandatory Reporters located in Montgomery County, Ohio, should call Children Services at (937) 224-KIDS (5437). Mandatory Reporters with work or education assignments in another county should familiarize themselves with that county's children services contact information.

1. If a Mandatory Reporter makes a report to Children Services or the police/sheriff in accordance with this policy and pursuant to the Ohio Revised Code, then the Mandatory Reporter must also report the incident to the University of Dayton Department of Public Safety (937) 229-2121 or, if the conduct occurred during a Program off-campus and that site has a standard of practice for handling such incidents, to the appropriate authorities for the location.
2. A Mandatory Reporter making such a report should also notify the person in charge of the Program, if any.

#### B. Authorized Adults

Authorized Adults participating in a Program shall report an incident of known or suspected child abuse, or the threat of child abuse, in two ways:

1. Report the incident to appropriate authorities:
  - a. If the Program is on Campus, report the incident to Public Safety (937) 229-2121.
  - b. If the Program is off-campus but the host facility/location does not have a standard of practice for handling such incidents, report the incident to Public Safety (937) 229-2121.
  - c. If the Program is off-campus and the host facility/location has a standard of practice for handling such incidents, report the incident to the appropriate authorities for that physical location.
2. Notify the person in charge of the Program, if any. If that person is a University student, or there is no clear person in charge of the Program, also report the incident to the Executive Director of the Center for Student Involvement (for student Programs), the head of the University unit/department under which that Program falls, or the Office of Legal Affairs.

### C. Allegation of Inappropriate Conduct

1. Any other person not included in section III.A. or III.B. above who knows or suspects that child abuse has occurred or that a threat of such abuse exists shall report such abuse or threat:
  - a. to Public Safety, (937) 229-2121, if the conduct occurred during a Program on Campus, or at a Program off-campus where the host facility/location does not have a standard of practice for handling such incidents; or
  - b. to the appropriate authorities for the location, if the conduct occurred during a Program off-campus and that site has a standard of practice for handling such incidents.
2. Any person who witnesses a violation of this policy that may not rise to the level of child abuse shall report to Public Safety (or, if off-campus where the site has a standard of practice for handling such incidents, the appropriate authorities for that physical location) and notify the person in charge of the Program. If that person is a University student, or there is no clear person in charge of the Program, the incident should be reported to the Center for Student Involvement (for student Programs), the head of the University unit/department under which that program falls, or the Office of Legal Affairs.

### D. Other Considerations

1. Individuals who witness or suspect child abuse should not conduct an investigation or delay in notifying the appropriate authorities. Such actions could taint any appropriate criminal or administrative investigation and render evidence inadmissible.



2. Authorized Adults should consider the safety of Minors participating in Programs above all other Program requirements. It may be necessary to remove Minors from abusive or potentially abusive situations. In such a case, Public Safety must be notified immediately.
3. When an Authorized Adult or other person has been alleged to engage in inappropriate conduct with a Minor, that individual must discontinue any further participation in Programs until such allegation has been satisfactorily resolved and the Authorized Adult has been given written permission by the University to participate again in Programs. Resolution of the allegation will involve appropriate investigatory steps, and any written permission to continue participation (or participate in the future) in a Program must be coordinated with the Office of Legal Affairs.
4. Upon receipt of any notification of alleged inappropriate or dangerous conduct or situations involving Minor(s), Public Safety will take immediate steps to ensure the safety of the Minor(s) in question. Public Safety may initiate an investigation in accordance with all federal and state requirements in effect at the time of the incident, and will contact additional law enforcement agencies, emergency responders, and social service agencies as deemed appropriate and/or legally required under the circumstances.
5. Public Safety will report all incidents of alleged inappropriate conduct involving Minors as required by federal, state or local.

#### IV. Exceptions to this Policy

In rare circumstances, a situation may arise where, due to the nature of a work environment or Program, strict adherence to this policy's requirements may not always be feasible or be the best practice for managing risk (e.g., internship, volunteer, or paid position). If a Program can justify an exception in consultation with and with approval from the Office of Legal Affairs, and obtain written parental consent for the parameters applicable to the Program, certain requirements under this policy may be waived. Such waivers will be considered on a case-by-case basis.

#### V. Interaction with Other Standards, Practices, or Requirements

Nothing in this policy is meant to supersede or replace the standards of practice of other entities in responding to child abuse, suspected incidents of child abuse or threats of child abuse. Satisfying the requirements of this policy does not relieve a person from any obligation the person may have to follow the protocols of another entity that may apply to the particular incident. Additionally, individual University units maintain the discretion to impose safety measures beyond those required by this policy on Programs they sponsor or oversee.

## Reference Documents

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1. [Use of Facilities and Address Policy](#)
2. [Campus Recreation Minors Policy](#)
3. [Background Check Policy](#)
4. [Background Checks for Adults Involved in Overnight Stays](#)
5. [University Student Code of Conduct](#)
6. [Protocol for Engaging with Minors in Virtual Settings](#)

## Maintenance of Policy

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Vice President and General Counsel, Office of Legal Affairs and Associate Vice President of Audit, Risk & Compliance/Chief Risk Officer, Division of Audit, Risk and Compliance

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