

## Policy on Minors Participating in University-Sponsored or University-Approved Programs

### 1. Policy Statement/Objective

The University of Wyoming is committed to the safety, protection, and wellbeing of minors who participate in University-sponsored or University-approved Programs. This policy establishes minimum requirements with which all University-sponsored or University-approved programs in which minors participate must comply without regard to the location of Program activities.

### 2. Exclusions:

This Policy does not apply to:

- a. Events open to the general public where parents/guardians are invited/expected to provide supervision of Minors.
- b. Events where parents/guardians are explicitly required to accompany Minors.
- c. Service areas open to the general public and not being used as part of a Program for example Jacoby Golf Course, University Store, UW Transit Services, etc.
- d. Activities designed for regularly enrolled University students, including credit courses, community service projects, etc.
- e. Practicum activities, student teaching, or college-approved academic curriculum activities that include University student interaction with Minors.
- f. Orientation programs for freshmen or transfer students.
- g. Campus tours, visitation programs, athletic recruitment visits, and student host arrangements for prospective students that are governed by a separate policy.
- h. Field trips supervised by a minor participant's school or organization and not sponsored by the University.
- i. Patient or client care related activities relating to Minors.
- j. The University Early Care and Education Center which is governed by separate laws, licensing requirements, and operating procedures.
- k. The Lab School.

### 3. Definitions

- a. **Adult** – A person eighteen (18) years of age or older.
- b. **Authorized Adult** (also referred to as Program Staff) - Individuals, age 18 or older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee Minors in Program activities, or recreational, and/or residential facilities. This includes but is not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, and independent contractors/consultants. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, etc. For the purposes of this policy the term "Program Staff" is also assigned this definition. 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 directly supervised by Program Staff.
- c. **Direct Contact** – Providing care, supervision, guidance or control of Minors and/or having routine interaction with Minors. This does not include individuals with limited interaction with Minors in a group setting such as guest speakers or presenters who will present to a group of Minors and Authorized Adults.
- d. **Minor** (also referred to as Participant) – A person under the age of eighteen (18) who is not enrolled in the University. Also referred to as a "participant" in this Policy.

- e. **One-On-One Contact** – Personal, unsupervised interaction between any Authorized Adult and a Minor without at least one other Authorized Adult, parent, or legal guardian being present.
- f. **Program** – Programs and/or activities offered to or including Minors by various units of the University, or by non-university groups using University facilities. This includes but is not limited to workshops, sport camps, academic camps, conferences, 4-H or Cooperative Extension programs and similar activities.
- g. **Sponsoring Unit** – The academic, administrative, or athletic unit of the University which offers a Program or gives approval for housing or use of University Facilities, this does not include a university unit who facilitates a third party program governed by Section 5 of this policy.
- h. **University Facilities** – Facilities owned by, or under the control of, the University.
- i. **University Housing** – Facilities owned by, or under the control of, the University intended for use as housing.

#### 4. **Policy Procedures**

A Sponsoring Unit offering or approving a Program in which Minors participate or that provides University Housing for Minors participating in a Program, or a non-University group being sponsored for a Program (whether using University Housing or not) must develop and administer Program guidelines. If a Program's guidelines have not been previously determined to be compliant with this Policy or if previously approved guidelines are amended, the Sponsoring Unit must submit (see Exhibit A for submission Guidelines and Checklist) the Program guidelines to the University General Counsel and Risk Management and Safety Offices for a determination that the guidelines are compliant with this Policy at least 45 days prior to registration of participants or other communications with prospective participants regarding the terms and conditions under which minors will participate in the Program.

Program guidelines must, at a minimum, include all of the following:

##### a. **Supervision of Minors**

- i. Sponsoring Units must ensure adequate supervision of Minors during all Program activities.

- 1. **Minimum Number of Supervisors** - All activities involving Minors must be supervised by at least two (2) or more Authorized Adults or by the participant's parent(s)/legal guardian(s). Additional Authorized Adults should be assigned as necessary to ensure adequate levels of supervision and to ensure one-on-one contact between a Minor and an Adult does not occur and that appropriate levels of supervision are implemented.

- 2. **Adequate Supervision** – In determining requirements for supervision Sponsoring Units should consider the number and age of participants, activities involved in the Program, type of housing for residential Programs, age and experience of Program Staff, special needs of Participants, and gender distribution of Participants and Program Staff. The following guidelines (adopted from the American Camp Association) may be considered by Sponsoring Units but should be altered as necessary based on the factors relevant to the individual Program:

##### a. **Residential**

- i. One staff member for every five campers ages 4 and 5
- ii. One staff member for every six campers ages 6 to 8
- iii. One staff member for every eight campers ages 9 to 14

- iv. One staff member for every 10 campers ages 15 to 17

**b. Non-Residential Programs:**

- i. One staff member for every six campers ages 4 and 5
- ii. One staff member for every eight campers ages 6 to 8
- iii. One staff member for every ten campers ages 9 to 14
- iv. One staff member for every twelve campers ages 15 to 17

**b. Authorized Adults/Program Staff**

- i. **Training** – The Sponsoring Unit must provide training for Program Staff. The Sponsoring Unit may determine the required amount of training provided there is a minimum of thorough initial training prior to acting as an Authorized Adult, a thorough training update at least every three years, and refresher training annually before acting as an Authorized Adult in a Program. The training must include, at a minimum, information about responsibilities and expectations; policies, procedures, and enforcement; appropriate crisis/ emergency responses; safety and security precautions; mandated external and internal reporting; addressing medical emergencies; confidentiality issues involving Minors; and University responsibility/liability. Program Staff must know how to request local emergency services and how to report suspected child abuse.
- ii. **Responsibilities** - Responsibilities of Program Staff must include, at a minimum, informing program participants about safety and security procedures, University rules, rules established by the Program, and behavioral expectations. Program Staff is responsible for following and enforcing all rules and must be able to provide information to participants and be able to respond to emergencies.
- iii. **Mandatory Reporting** –
  - 1. **External Reporting - State Mandated Child Abuse/Neglect Reporting** - Wyoming law mandates the following:
    - a. Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, shall immediately report it to the child protective agency or local law enforcement; and
    - b. If any person reporting child abuse or neglect is a member of the staff of a public or private institution, school, facility or agency (including the University of Wyoming) the individual must, in addition to reporting the abuse/suspected abuse to a child protective agency or law enforcement, report it to the person in charge who must also make a report to a child protective agency or to law enforcement.
    - c. If a Minor is imminent danger the Authorized Adult should contact 911 for assistance and to make the abuse report. If there is no imminent danger the report should be made in a timely manner to the University of Wyoming Police Department at (307) 766-5179 or any City or County Police Department of Sheriff's Office or to the Wyoming Highway Patrol dispatch/non-emergency phone number. Reports may also be made to any Child Protective Agency. Reporting information

and contact information for law enforcement and the Department of Family Services Offices can be found on the Department of Family Services website <http://dfsweb.wyo.gov/social-services/mandatory-reporting> .

**2. Title IX Reporting –**

- a. Authorized Adults who are UW employees must complete the University's Sexual Misconduct and the Duty to Report – Responsible Employee Training and must report any allegation of sexual misconduct to the University Title IX Office (the Office of Equal Opportunity Report and Response – EORR) by calling (307) 766-5200 or (307) 66-3459.
- b. Authorized Adults who are not UW employees must report any allegation of sexual misconduct to a UW employee.

**3. Internal Reporting - Incident and Accident Reporting**

- a. All incidents and accidents involving a Minor must be reported to the UW Risk Management and Safety Office. Programs may develop their own reporting form or may use the UW Accident Information Form available on the Risk Management and Safety Website (<http://www.uwyo.edu/risk-management/files/docs/accident%20reporting%20form%20rev%206-16-11.pdf>)

iv. **Prohibitions:** Authorized Adults participating in Programs covered by this Policy shall not:

- 1. Have one-on-one contact with Minors: there must be two or more Authorized Adults present during activities where Minors are present.
- 2. Have any direct electronic contact, including social media, with Minors without an educational or programmatic purpose for the communication and without another Authorized Adult being included in the communication.
- 3. Give a Minor the Authorized Adult's home or cell phone number without written permission for the Minor's parent/legal guardian.
- 4. Take pictures of Minors except as part of official pictures of the Program and only when the parent/legal guardian has signed the appropriate waiver.
- 5. Enter a Minor's room, bathroom facility, changing area, shower area or similar area without another Authorized Adult in attendance, consistent with the policy of not having one-on-one contact with Minors.
- 6. Share sleeping quarters with Minors. Share bathrooms, locker rooms, or showers with Minors (if the same facilities must be used, to the extent possible they should be scheduled at separate times or otherwise arranged to be consistent with the policy of not having one-on-one contact with Minors). Separate accommodations for Adults and Minors are required other than the Minors' parent(s)/guardian(s).
- 7. Engage in abusive conduct of any kind toward, or in the presence of, a Minor.
- 8. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner or manner that a person could reasonably interpret as inappropriate any Minor or allow the same between Minors.

9. Pick up Minors from or drop off Minors at their homes or any other location, other than the driver's child(ren), except as specifically authorized in writing by the Minor's parent/legal guardian.
  10. Use alcohol or illegal drugs while supervising a Minor.
  11. Provide alcohol or illegal drugs to any Minor.
  12. Provide prescription drugs or any medication to any Minor unless specifically authorized in writing by the parent/legal guardian and provided in accordance with the appropriate section of this Policy.
  13. Make sexually explicit material in any form, including printed and electronic, available to Minors. Assist Minors in any way in gaining access to such materials.
  14. Use or allow any vulgar or sexually suggestive comments or sexual innuendo. Share gossip or inappropriate personal information with Minors.
- v. **Allegations** – If an allegation of inappropriate conduct has been made against an Authorized Adult, the Authorized Adult must immediately discontinue any further participation in Programs until such allegation has been satisfactorily resolved.
- c. **Communication and Notification**
- i. **Emergency Notification** – The Sponsoring Unit shall establish an appropriate procedure for the notification of the Minor's parent/legal guardian in case of an emergency, including medical or behavioral problem, natural disasters, or other significant Program disruptions. Authorized Adults with the Program, as well as participants and their parents/legal guardians, must be advised of the procedure in writing prior to the participation of Minors in the Program.
  - ii. **Residential Program Directory** – For residential/overnight Programs, the Sponsoring Unit shall maintain a list of all Program participants and a directory of Program Staff. This list shall include participant's name, local room assignment, gender, age, address, and phone number(s) of parent/legal guardian, as well as emergency contact information.
  - iii. **Participant Contact Instructions** - The Sponsoring Unit shall provide information to the parent(s)/legal guardian(s) detailing the manner in which the participant can be contacted during the Program.
  - iv. **Complaint Instructions** – the Sponsoring Unit shall provide information to the parent(s)/legal guardian(s) detailing the manner in which the parent/legal guardian may report suspected violations of the University's policies on Minors.
  - v. **Release of Minors** – Sponsoring Unit will inform parent(s)/legal guardian(s) that Minors will only be released to an authorized parent, legal guardian, or other adult specifically authorized by the custodial parent or guardian and only after confirmation their identification. Sponsoring Unit must establish a process for such release including what will occur if parents/legal guardians/designated adults do not arrive to complete the pick-up of Minors.
- d. **Program Rules of Conduct** - Program Staff shall develop and make available to participants and to parent(s)/legal guardian(s) the rules and disciplinary measures applicable to the Program. Program participants and staff must abide by all university regulations and Program rules and may be removed from the Program for non-compliance. The following must be included in the Program Rules:
- i. The possession, distribution, or use of alcohol or drugs is prohibited.

- ii. Fireworks, firearms, guns, knives, archery equipment and other weapons are prohibited unless being used for an officially sanctioned and approved instructional program in which case safety precaution and storage must be addressed in the Program Rules.
  - iii. The operation of motor vehicles by Minors is prohibited while attending and participating in the Program. Permission for a Minor to drive from the Program and the Program's conclusion must be authorized by the parent/legal guardian as part of the Release plan required herein.
  - iv. Rules and procedures governing when and under what circumstances participants may leave university property during the Program.
  - v. No violence, including sexual abuse or harassment, will be tolerated.
  - vi. Hazing of any kind is prohibited. Bullying including verbal, physical, and cyber bullying are prohibited.
  - vii. No theft of property, regardless of owner, will be tolerated.
  - viii. Use of tobacco products and smoking instruments including electronic cigarettes and vaporization devices will not be tolerated by participants. Smoking is prohibited in all University buildings.
  - ix. Misuse, damage, tampering, moving, modifying, or theft of University property is prohibited. Charges will be assessed against those participants who are responsible for damage or misusing University property.
  - x. Misuse, damage or theft of the property of others is prohibited.
  - xi. The inappropriate use of cell phones, cameras, imaging, and digital devices is prohibited including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
- e. **Program Residential Rules of Conduct** – Program Staff shall develop and make available to participants and parent(s)/legal guardian(s) rules for proper supervision of Minors in University housing. The following must be included in the Residential Rules:
- i. Written permission signed by the parent/guardian for the Minor to reside in University Housing.
  - ii. A curfew time which is age-appropriate for the participants.
  - iii. In-room visitation restriction.
  - iv. Guests of participants (other than a parent/legal guardian and other program participants), if allowed, are restricted to visitation in the building lobby and/or floor lounges and only during approved, specified hours with supervision. Guests are expected to follow all program rules while visiting a Participant.
  - v. The Program must comply with all security measures and procedures specified by University Housing and University Police.
- f. **Program Dining Rules of Conduct** – Program Staff shall develop and make available to participants and parent(s)/legal guardian(s) rules for proper supervision of Minors in University dining. The following must be included in the Dining Rules when dining will take place in University Dining Facilities.
- i. A Conference Meal Card is required for entrance to the UW dining room. Dining room privileges are non-transferable. A card used by anyone other than owner may be confiscated by Program Staff or dining personnel.
  - ii. Unlimited trips to serving lines are allowed during each visit to the dining room but only one entree is allowed per time through the serving line.
  - iii. Throwing food or objects or causing them to be thrown in the dining room is prohibited.

- iv. Shirts, shoes and appropriate clothing must be worn at all times in the dining room.
- v. Large equipment bags and equipment must be stored in guest rooms or other appropriate locations and are not allowed in the dining room.
- vi. Beverage containers of any kind including water bottles, mugs, etc. are not allowed in the dining room.
- vii. Plates, silverware, and other dining services property must remain within the dining room.
- viii. Participants must take trays, dishes, trash and other dining service items to the designated areas when finished dining and prior to leaving the dining room.
- ix. Participants must remain in the public/designated portions of the dining facility. Entrance into the kitchens, storerooms, loading dock, food preparation areas, and other non-public areas is prohibited.

g. **Medical Treatment, Administration of Medicine, Emergency Services**

- i. **Medical Information and Release Form** – The Sponsoring Unit shall obtain such form for each participant and consider obtaining such form for Program Staff. The forms must include the following:
  - 1. A statement informing the parent/legal guardian that the University does (or does not, as applicable) provide medical insurance to cover medical care for the Minor.
  - 2. A statement authorizing the release of medical information and emergency treatment.
  - 3. A list of any physical, mental or medical conditions the Minor may have, including any allergies that could impact his/ her participation in the Program.
  - 4. All emergency contact information including name, address and phone number of the emergency contact.
  - 5. Agreement from the parent/legal guardian that they understand the University is not equipped to make mental health diagnoses/determinations or provide mental health care (other than any pre-arranged participation accommodation) during a Program and any mental health care needs that arise during the Program may require the Minor to discontinue participation to seek appropriate care.
- ii. **Self-Administration of Medication Form** – The Sponsoring Unit shall obtain such form for each participant. Program Staff should review all forms and should determine if needs can/will be met. Participants' medicines may be distributed by Program Staff under the following conditions:
  - 1. The participant's family provides the medicine in its original pharmacy container labeled with the participant's name, medicine name, dosage and timing of consumption. The participant's family provide over-the-counter medications in the manufacturers' container.
  - 2. Program Staff must keep medicine in a secure location, and at the appropriate time for distribution meet with the Participant.
  - 3. The Program Staff member shall allow the Participant to self-administer the appropriate dose as shown on the container. Over-the-counter medications can only be administered with prior approval.
  - 4. If a Participant cannot self-administer the parent(s)/guardian(s) are expected to make arrangements for the administration of any medicine.

5. With approval of Program Staff, personal “epi” pens, inhalers or other similar devices for the self-administration of medications which are prescribed by a physician may be carried by the Participant during Program activities.
- iii. **Medical and Mental Health Care** – The Sponsoring Unit shall plan/arrange for emergency medical care and emergency mental health care services at all locations and appropriate for the Program activities, expected attendance, and other relevant variables.
    1. For **medical care**, this may include simply understanding the nearest emergency providers for low risk activities to arranging for on-site emergency medical service depending on the level of activity.
    2. For mental health care, this may include the following:
      - a. Call law enforcement when a mental health issue is critical (for example, the Minor poses an immediate danger to his/herself or others, talks about suicide or homicide, continuously disrupts events and refuses to stop, or has a pattern of displaying anger or hostility inappropriately). Program Staff will take direction from the responding law enforcement personnel and will contact the Minor’s parent/legal guardian to arrange to discontinue the Minor’s participation in the Program and obtain appropriate transport and/or care for the Minor.
      - b. Sponsoring Units and/or Program Staff, in their sole discretion, are responsible for determining when a Minor’s mental health condition is such that the Minor may remain in the Program or be discharged from Program participation to seek appropriate care. The University Counseling Center is available to consult with Sponsoring Units as they address mental health issues of Minors/Participants when those issues do not necessitate contact to law enforcement as described above (see paragraph a, immediately preceding). Sponsoring Units may call (307) 766-2187 during University business hours (8-5 Monday through Friday during the school year and 7:30-4:30 during the summer) and (307) 766-8989 after business hours on weekdays, Saturday and Sunday, and/or when the University is closed to consult with a licensed counselor. The University Counseling Center will only consult with Sponsoring Units they will not provide mental health services directly to Participants.
  - iv. **Safety Measures** – All Programs that include laboratory, research or other potential known hazards must follow appropriate safety measures including informing Minors and parent(s)/legal guardian(s) of the risks in advance, providing appropriate safety training, and obtaining any appropriate liability waiver specific to the hazardous activity.
  - h. **Liability and Releases** – Program Staff must obtain a UW Model Release Form for all photography (including audio and video recordings) and a Liability Release Form for each Participant before they are allowed to participate in the Program. Program Staff may use the UW standard forms or submit requested changes to these forms for review and approval.
  - i. **Background Checks** – All Authorized Adults who have Direct Contact with Minors are required to have a current background check on record with the University before the



adult is hired or allowed to begin work with Minors. Background checks must include/will be performed as follows:

- i. **Background Check** – The background investigation must include both a criminal history background check and a sex offender registry check. No person shall be an Authorized Adult if their background check reveals they:
  1. Were convicted of a felony involving violence;
  2. Were convicted of a sex crime against a minor;
  3. Were convicted of a crime of violence, even if not a felony;
  4. Are required to be registered on the sex offender registry;
  5. Were convicted of any other felony unless the Vice President for the division in which the Sponsoring Unit is located has approved the Authorized Adult's participation in writing; or
  6. Were convicted of a crime the nature of which is reasonably related to the person's intended activities with the Program as an Authorized Adult.
- ii. **Process** - The Sponsoring Unit will work with the University Human Resources Office to complete the background check process in the same electronic manner as background checking for prospective University employees. The adults who have been selected by the Sponsoring Unit to become Authorized Adults will receive an email with instructions on how to access links to complete the background check information. The personal information necessary to complete the background check will be submitted directly to the background checking organization and will not be provided to or stored by the University.
- iii. **Frequency** – After completion of a satisfactory background check process an Authorized Adult must be rescreened every 3 years or after a break in service exceeding 1 year or upon a reported change in status,
- iv. **Change in Status** – After completion of the background check process and at any time during the Program, Authorized Adults are required to notify the Sponsoring Unit of an arrest or conviction as soon as reasonably possible if the arrest or conviction could result in the Authorized Adult's disqualification from participation as such in the Program.
- v. **Background Check Exceptions:**
  1. Under limited and appropriate circumstances Programs may elect to adopt preventative measures in lieu of criminal background checks but only upon written approval of the Vice President for the division in which the Sponsoring Unit is located and only upon implementation of the following:
    - a. A sex offender registry check must be performed on all volunteers prior to participation in the Program.
    - b. All volunteers must work only in public places during the Program and must be directly supervised by an appropriate number of Authorized Adults who have undergone the required background check process.
    - c. All volunteers must sign a statement verifying their understanding of, and agreement to comply with, the mandatory reporting requirements.
  2. Programs may elect to forego criminal background checks on currently enrolled UW students provided implementation of the following:
    - a. A sex offender registry check must be performed on the student prior to participation in the Program.

- b. The students must work only in public places during the Program and must be directly supervised by an appropriate number of Authorized Adults who have undergone the required background check process.
- c. The students must sign a statement verifying their understanding of, and agreement to comply with, the mandatory reporting requirements.

**5. Non University Groups Using University Facilities for Programs**

- a. Any program involving Minors operated by third parties on University property must be operated consistent with this Policy. Non-University Groups may utilize the sample forms, training or other resources associated with the Policy but are responsible for reviewing the documents, obtaining any required legal advice, and making an independent determination of their appropriateness for the non-University Group's purposes and protection.
- b. **Contract** – The relationship between the non-university group and the University must be documented in a signed agreement. The agreement must include:
  - i. Agreement that the non-University Group will operate their Program in a manner consistent with this Policy. Unlike University Sponsored Programs, non-University Group Programs will not submit Programs for review by UW. To be consistent with this Policy as required herein, the non-University Program must include:
    - 1. Adequate supervision of participants at all times, including during program and residential hours;
    - 2. Compliance with state mandatory reporting of child abuse and neglect;
    - 3. Reporting any allegation of sexual misconduct occurring during the Program, whether it occurs on UW property or not, to a UW employee;
    - 4. Prohibiting use of alcohol or drugs by minor participants and supervising adults;
    - 5. Providing 24/7 contact information to UW for emergency contact purposes during the Program;
    - 6. Criminal background checks of adults working with minor participants, the results of which must be reported to the University prior to the start of the Program;
    - 7. Waiver of liability signed by the parents/legal guardians of minor participants releasing UW from liability associated with the program;
    - 8. If the Program will utilize UW residential facilities, then the Program must include the Residential Rules of Conduct contained in Section 4.e. of this Policy; and
    - 9. If the Program will utilize UW dining facilities the Program must include the Dining Rules of Conduct contained in Section 4.f. of this Policy.
  - ii. Agreement that the non-University Group will indemnify and hold the University harmless for any claims associated with the Program including any claims associated with supervision and safety of Minors.
  - iii. Agreement that the non-University Group will provide insurance as required by the University's Chief Risk Officer.
- c. **Exceptions** - Any exceptions requested by non-University Groups shall be authorized in writing by the Vice President for Administration.

**6. Sanctions for Failing to Comply with this Policy**

- a. **University Employees** – Failure to comply with the provisions of this Policy may result in discipline in accordance with applicable University policies up to and including termination of employment. A person who fails to comply with state law on mandatory reporting of child abuse may also face criminal prosecution. University employees acting independently from their University employment on behalf or as a part of a non-University Program shall be treated as non-University employees with regard to such participation except that University employees continue to be responsible for Title IX reporting obligations at all times.
- b. **Other Individuals** – Failure to comply with the provisions of this policy may result in discipline in accordance with University policies including dismissal from the University, issuance of no-Trespass Notices, and/or disqualification from participation in future University Programs. A person who fails to comply with state law on mandatory reporting of child abuse may also face criminal prosecution.
- c. **Programs** – Non-compliance reports may be issued for failure to meet the requirements of this Policy in a timely manner before the start of a Program involving Minors. Failure to take corrective action may result in the cancellation of a Program. Continued or intentional noncompliance may result in discontinuation of the current or future Programs.