

**Rockhurst University**  
**Policy Statement & Guidelines for the Protection of Minors**

**I. POLICY STATEMENT**

Consistent with its Jesuit tradition of focus on individual dignity and *cura personalis* or “Care for the Whole Person,” Rockhurst University (“Rockhurst” or “the University”) is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect for all human beings. The University has particular concern for those who are potentially vulnerable, including minor children, who require special attention and care. All members of the University community are expected to foster and maintain a safe and secure environment for minors. Moreover, all University students, faculty, and staff are responsible for understanding and complying with this Policy & Guidelines (“Policy”).

As a part of its mission, the University engages in a wide range of educational, enrichment, recreational, and service programs that serve or include minors. The purpose of this Policy is to promote the safety and welfare of minors who participate in such programs and to provide for the proper supervision of those minors. Through this Policy, the University explains its standards, obligations, and expectations for those in the University community who work in an activity or program with minors. This Policy establishes:

- Standards of conduct, background checks, and training requirements for adults interacting with minors in activities and programs; and
- Guidelines for the operation of activities and programs that involve minors.

This Policy covers both University-affiliated and unaffiliated individuals, organizations, and entities that operate programs or activities involving minors.

**II. DEFINITIONS**

**Programs and activities involving minors:** With the exception of those activities mentioned below, any: (1) event, program, or activity that is operated, sponsored, organized, sanctioned, or permitted by the University, (2) that includes minors, (3) during which parents or guardians are not responsible for the care, custody or control of the minors. Generally, such programs and activities include but are not limited to:

- Recreational, music, service, campus ministry, diversity & inclusion, and other similar programs/camps and athletic camps;
- Academic enrichment programs;
- Campus facility tours and visits, and
- Activities such as mentorship, tutoring, and other similar type programs that are offered by a department, (academic or non-academic), or administrative unit of the University, whether on- or off- campus.

**Minor:** Any individual under the age of 18 who is not enrolled at Rockhurst University as a student.

**One-on-one contact:** An intentional or purposeful interaction when one individual to whom the Policy applies is alone with one Minor.

**Program Administrator:** An individual(s) designated as the primary contact(s) for the program or activity involving Minors.

**Responsible Adult:** An individual, age 18 and older, paid or unpaid, who participates in a program or activity involving Minors.

**Youth Protection Committee:** The Youth Protection Committee Chairs (Director of Community Relations & Outreach, Vice President of Student Development & Athletics and Dean of Students (student programming), Associate Dean for Students and Families (student programming) and Faculty member, Professor of Mathematics, College of Business, Influence and Information Analysis (academic programming), along with the assistance of the Youth Protection Committee, will be responsible for:

- Maintaining this Policy and annually evaluating it for effectiveness.
- Providing advice, resources, and tools to the University community on the Policy and best practices.
- Assessing Policy compliance and reporting results and recommendations to the University's designated administrators (President's Cabinet) and as requested by the Director of Compliance & Risk Management.
- Addressing Policy violations including referrals to human resources or appropriate supervisor or law enforcement, as necessary.
- Providing training to the University community and all of those participating in programs involving minors, as necessary.
- Human Resources in conjunction with Department of Safety and Security will perform background checks, maintain background checks and will provide support to the Youth Protection Committee Chairs and Committee for training of University community.

The Youth Protection Committee should meet, at a minimum, once a semester or more often as needed to address responsibilities of the Committee. The Committee will report to the Vice President of Student Development & Athletics and give updates to the Director of Compliance and Risk Management as requested. The Committee will be appointed by the Director of Compliance & Risk Management and Vice President of Student Development & Athletics, Dean of Students.

### **III. EXCEPTIONS**

There are times where a Minor may be on campus or engaged with the University community where the University will not have custody or control of the Minor, or where a Minor's parents or guardians are expected to be responsible for the Minor's care or have consented to the Minor's participation despite the Minor's parents or guardians' non-attendance. For example, parents or guardians are expected to be responsible for the care, custody, or control of minors at events on campus which are open to the general public (e.g., performances, athletic events, plays, concerts, lectures, etc.), or to have consented to their minors' attendance without their permission. Where a Minor's parents or guardians have consented to the Minor's participation despite the Minor's parents or guardian's non-attendance, the Program Administer and the Responsible Adult accompanying the Minor are expected to be responsible for the care, custody or control of the Minor throughout the duration of the Minor's participation in the event.

Except with respect to the reporting of suspected child abuse or neglect (which is covered under the Rockhurst University's Mandatory Child Abuse Reporting Policy), this Policy does not extend to programs and activities involving Minors as follows:

- Undergraduate and graduate academic programs in which individuals under the age of 18 are enrolled for academic credit or who have been accepted for enrollment.

- In the case of events on campus open to the general public, which Minors attend (e.g., performances, athletic events, plays, concerts, lectures, etc.) and situations where minors are visiting campus with their parents or guardians, parents or guardians are expected to be responsible for their care, custody, or control.
- Minors working for the University as employees.
- Family visits<sup>1</sup>
- University-approved overnight stay of a Minor who is a guest in a residential facility of a current student.
- Online courses.
- University personnel and third party vendors that support programs or activities with Minors, but do not interact with the Minors.
- Student organizations operating, facilitating, or sponsoring activities and programs with Minors. The University may still require a Waiver or other documentation to be signed by participants and the sponsoring student organization should consult with the Student Development Office to determine what forms may be required.

In addition, this Policy does not apply to official admissions related activities for prospective students, and tutoring and mentoring by full-time University students or faculty, if the following conditions are met:

- Participating adults including University personnel, faculty, and students are required to comply with the Standards of Conduct set forth in this Policy.
- Such activities take place only in public settings (such as the library and dining facilities) during normal operating hours.

#### **IV. VISITING MINORS**

- University students who have a Minor relative, friend, or other guest visit them on campus overnight must register the visitor at least 24 hours in advance of the stay by completing a guest housing registration form with the Resident Director (or designee) assigned to the student's residential facility. The student must provide documentation that the Minor's parents or guardians approve the visit. Guests may not stay for more than two consecutive nights (48 hours) unless permission is obtained from the Resident Director (or designee). After the Residence Director or designee approves the registration, that employee should provide notice of the visit and documentation to the Department of Safety and Security and any appropriate residence life staff (i.e. Resident Assistant, Desk Assistant on duty, etc.) where the guest will be staying.

- V. Further, University students may not babysit Minors (that are non-family members) in their campus housing, including but not limited to all Residential facilities. This prohibition applies even if the student is not being paid. Minors must not be left unsupervised on the University's campus. It is the responsibility of those who bring Minors to campus to ensure appropriate and continuous supervision. University students must also comply with all policies relating to guests and visitors contained within the Student Handbook.

#### **VI. OBLIGATIONS OF PROGRAM ADMINISTRATORS**

Program Administrators must seek authorization from one of the Youth Protection Committee chairs (or designee) at least 30 days prior to hosting Minors on campus or off-campus for a program or activity. Program

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<sup>1</sup> This does not include overnight stays that need to be approved by the University as set forth below.

Administrators who are offering programs or activities must provide a Program Registration Form. The Youth Protection Committee chairs (or designee) may, upon consideration of the facts and circumstances of the program or activity not permit a planned program or activity or ask for additional information from the Program Administrator.

## **VII. STANDARDS OF CONDUCT**

All Responsible Adults participating in a program or activity involving Minors must demonstrate good judgment and discretion, professionalism and maturity, and maintain healthy and appropriate interpersonal and physical boundaries with Minors. For example, Responsible Adults are expected to follow these general standards:

- Do not allow a Minor to participate in a program without the express written consent of the Minor's parents or guardians.
- Do not spend time alone, either on or off campus, with a Minor away from others. One-on-one interactions may only take place in open, well-illuminated spaces or rooms observable by other adults from the activity or program with Minors. Unobserved or unsupervised one-on-one contact between a Minor and any Responsible Adult is prohibited.
- Do not engage in any sexual activity, actions, make sexual comments, tell sexual jokes, or share or view sexually explicit material with or within the vicinity of Minors.
- Do not invite Minors to your home, car, office, or other private locations.
- Do not provide gifts to Minors or their families independent of items provided by the Program.
- Do not administer prescription drugs or psychotropic medication to a Minor without the written approval from the parents/guardians and ongoing supervision of a licensed physician.
- Do not touch Minors in any manner that a reasonable person could interpret as inappropriate or sexual in nature. Touching should generally only be for a purpose that is consistent with the Program's mission and culture, or for a clear educational, developmental, or health related purpose (i.e., treatment of an injury).
- Do not restrain a Minor except as required to protect a Minor or others from harm. All incidents involving restraint of a Minor, whether or not required to protect a Minor or others from harm, must be documented and disclosed promptly to the Program Administrator and the Minor's parents/guardians.
- Do not shower, bathe, or undress with or in the presence of a Minor.
- Do not photograph or video any Minors without the express prior written consent of their parents or guardians as demonstrated and documented through the execution of an agreement created for such purpose.
- Do not engage in any abusive conduct of any kind toward, or in the presence of, a Minor, including but not limited to cursing, verbal abuse, corporal punishment, hitting, punching, poking, inappropriate touching, bullying, hazing, or horseplay.
- Do not provide alcohol or illegal drugs to a Minor.
- Do not use, possess, or be under the influence of alcohol or illegal drugs while on duty or when responsible for a Minor's welfare. Presence or consumption of tobacco, alcohol, or illegal drugs around Minors is strictly prohibited.
- Do not possess firearms or weapons of any kind in the presence of Minors.
- Do not engage or converse with Minors through email, text messages, social networking websites, or other forms of social media at any time except and unless there is an educational or programmatic purpose and the content of the communications is consistent with the mission, scope, and purpose of the program and the University.
- When transporting Minors, more than one adult from the program must be present in the vehicle, except when multiple Minors will be in the vehicle at all times through the transportation. Do not use a personal

vehicle to transport Minors unless the Youth Protection Committee chair (or other designee) has provided prior written approval.

- 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, guardians or other adults.
- Do not hold a sponsored activity in your home unless one of the Youth Protection Committee chairs (or designee) has provided prior written approval.
- In the case of supervising Minors overnight, do not enter a Minor’s room, bathroom facility, or similar area without another adult in attendance, consistent with the guideline of not having one-on-one contact with Minors, except in the event of a health or safety emergency. In programs where Minors share bathrooms with students in residence halls or in a residential facility, this does not apply to incidental restroom use by students who are also Responsible Adults, where this restroom use does not amount to one-on-one contact; it does, however, apply to any showering, dressing or similar activities.
- Participate in any training required by the Youth Protection Committee.
- Immediately report any suspected child abuse or neglect in accordance with Missouri law and Rockhurst University’s Mandatory Child Abuse Reporting Policy.

### **VIII. RATIO OF STAFF MEMBERS TO MINORS**

Program staff should make every effort to ensure all activities and programs involving Minors are supervised by at least two staff members consisting of Responsible Adults and/or Program Administrators. Some of the factors to be considered in determining requirements for supervision are the number and age of participants, the activity and program involved, and age and experience of staff members.

The ratio of program staff to program participants must reflect gender distribution of the participants, and should, at a minimum, meet the following:

- (a) Standards for resident/overnight activities and programs are:
  1. One staff member for every five participants ages 4 and 5
  2. One staff member for every six participants ages 6 to 8
  3. One staff member for every eight participants ages 9 to 14
  4. One staff member for every ten participants ages 15 to 17
- (b) Standards for day activities and programs are:
  1. One staff member for every six participants ages 4 and 5
  2. One staff member for every eight participants ages 6 to 8
  3. One staff member for every ten participants ages 9 to 14
  4. One staff member for every twelve participants ages 15 to 17

### **IX. PROGRAM OPERATION GUIDELINES**

Each program and activity should develop and consistently apply rules to ensure responsible, smooth, and safe program administration. These program rules must take into consideration the program’s nature, duration, location, as well as the age and maturity of Minor participants. Program rules should also be communicated to parents/guardians and Minors in advance of the program or activity. Program rules should take into consideration the following topics:

- a. Coming and going of Minor participants*

Programs and activities serving Minors must ensure that they have appropriate rules and procedures established relating to the “coming and going” of Minors to a program or activity site or location. These rules must identify at which point Minors are under the care and custody of program/activity staff upon their arrival to a program or activity, and when Minors are no longer under the care and custody of program/activity staff upon their departure from a program or activity. The rules should also address:

- Scheduled early departures of Minors which may occur in the middle of a program.
- Whether Minors will be released only to their parents, guardians or a pre-identified caretaker, or whether the Minor is responsible for their own departure from a program.
- Procedures for circumstances if a Minor is not picked up from the program or activity on time, if the Minor is relying on transportation from their parent or guardian.

#### *b. Discipline*

Program Administrators serving Minors must ensure that they clearly communicate behavior expectations for Minors, the consequences of non-compliance with a program rule or expectation, and the process for determining and communicating those consequences. Behavioral expectations should address bullying and hazing.

#### *c. Accommodations for Minors with disabilities*

The University complies with laws that protect individuals with disabilities from discrimination, including the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). Programs and activities serving Minors have a responsibility to ensure compliance with these laws, and, when required, must provide: (1) a process for a parent/guardian (or Minor) to identify that a Minor has a disability, and (2) reasonable accommodations to a Minor with a disability to provide equal opportunity to participate in the program or activity. The Individuals with Disabilities Education Act (IDEA) which provides added protection for Minors in K-12 educational environments does **not** apply to University-provided programs/activities. See the University’s Policy on Accessibility for more information.

#### *d. Non-discrimination*

Discrimination is inconsistent with the University’s values and policies. The University’s policies prohibiting discrimination and harassment shall apply to programs governed by this Policy (i.e. Non-Discrimination Policy, Sexual Harassment Policy). Persons participating in programs governed by this Policy, including Minors, are subject to removal in the event they violate the University’s policies prohibiting discrimination and harassment.

### **X. EMERGENCY AND MEDICAL ISSUES**

Programs and activities are expected to develop appropriate procedures related to medical issues that may arise in serving Minors. At a minimum, these procedures must address the following topics:

#### *a. Communication and Notification of Emergency*

1. Appropriate procedures for response and the notification of the Minor’s parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions.
2. Maintenance of a list of all program participants and a directory of program staff. This list should include participant’s name; local room assignment (if applicable); gender, date of birth,

address, and phone number(s) of parent or legal guardian, as well as emergency contact information.

3. Information for the parent(s) or legal guardian(s) detailing the manner in which the participant can be contacted during the program.

***b. Medical Treatment, Administration of Medicines and Emergency Services<sup>2</sup>***

1. Programs/activity staff should obtain a completed Health Form, EPI-PEN Form & Release, Prescription & Non-Prescription Medication Release (where applicable) for each program participant.
3. Programs/activity staff should arrange for medical care appropriate for the nature of program activities including on-site emergency medical service coverage if needed.

**XI. OVERNIGHT ACTIVITIES OR PROGRAMS**

The Program Administrator(s) are required to adopt and implement rules and regulations for proper supervision of Minors in University housing. At a minimum, the following must be included:

- Written permission signed by the parents or legal guardians for the Minor to reside in University housing.
- A curfew time which is age appropriate for the participants, but in no case shall it be later than midnight for any Minor.
- In-room visitation must be restricted to participants of the same gender or are aligned with the participants' gender identity.
- Guests of participants (other than parent/legal guardian or other activity or program participants) are restricted to visitation in the building lobby and/or floor lounges, and only during approved hours specified by the program.
- The activity or program must comply with all security and safety procedures specified by the University.
- No one is allowed to sleep in any stairwell, hallway, or lounge.
- No one under the age of 10 is allowed to sleep in a Residential facility, to include nursing infants.
- A participating Minor must be accompanied by two (2) staff members at all times when retrieving something from his/her Residential facility.
- Entire Residential Facility/overnight areas are designated either male or female or are aligned with the participants' gender identity.
- Staff members will have their own designated bathroom, preferably on a different floor from the participants, if possible.
- Staff members must abide by any further directives imposed by the Youth Protection Committee, as appropriate.

**XII. REQUIRED INFORMATION FOR PARTICIPATING MINORS**

The Program Administrator will make available to participants the rules and discipline measures applicable to the activity or program. Education for Minors must include the following:

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<sup>2</sup> This section does not apply to programs of very short duration, such as a 1-hour music lesson, where a parent / guardian would be readily available in the unlikely event medical issues arise.

- Safety and security procedures;
- University rules related to its facilities;
- Rules established by the program and this Policy; and
- Behavioral expectations and disciplinary consequences.

The Program Administrator is responsible for developing and enforcing all program rules and must be able to provide information included in this Policy to participants. Parents or legal guardians of Minors must be provided the name and phone number of a Program Administrator who they can contact if they have questions or concerns about their child.

### **XIII. PROHIBITED ACTS FOR PARTICIPATING MINORS**

Prohibited acts for participating Minors include, but are not limited to:

- The use or possession of tobacco, alcohol, or controlled substances.
- Engaging in sexual contact, activity, or conduct of any kind.
- Engaging in bullying or hazing or other behaviors that endanger themselves or others, which are disruptive to other participants or guests, or which cause damage to university facilities.
- Theft of property regardless of the owner.
- Misuse or damage of University property. Charges will be assessed against those participants who are responsible for damage or misuse of University property. Residents that are students will also be responsible for any damages to University premises caused by their guests.
- Possession of firearms or weapons, of any kind.
- Operating a motor vehicle while attending and participating in the activity or program unless approved by the Program Administrator for a reasonable purpose.
- Any violation of any city, state, or federal criminal laws.
- Any violation of University policies or rules.

**NOTICE:** Minors who violate this Policy will be subject to sanctions, up to and including removal from an activity or program or the University.

### **XIV. REQUIRED CRIMINAL BACKGROUND CHECKS**

All Program Administrators and Responsible Adults must clear a background check prior to participation in programs or activities involving Minors. Program Administrators and Responsible Adults who have not gone through the background check screening are prohibited from participating in programs and activities involving minors.

A prior conviction shall not automatically disqualify a person from participating in an activity or program with Minors. However, any person whose screening, after an individualized determination by the University, produces information that bears adversely upon his or her ability to provide for the safety and well-being of Minors will be prohibited from having contact with Minors. Human Resources, in conjunction with Department of Safety and Security will make this determination.

At a minimum, the background check must meet the following requirements:

- The individual must complete a self-disclosure form disclosing any and all arrests or convictions involving crimes of a violent or sexual nature.

- The individual must agree to disclose any such arrest or conviction occurring thereafter to the Human Resource Office within three (3) days of such arrest or pleading guilty/no contest or being convicted.
- The background screening must include a sex offender registry check using the U.S. Department of Justice’s [National Sex Offender Registry](#).

For Rockhurst programs and activities, the Program Administrator is responsible for providing a list of the Responsible Adults involved in Programs to the Human Resource Office. The Human Resource Office shall coordinate the screening process for members of the University community, and is responsible for ensuring that all required screening has occurred. The cost of background checks will be borne by the Activity or Program.

Screening for contractors or other individuals employed or otherwise affiliated with non-University organizations shall be handled by such organization. The non-University organization must certify to the University in writing that the required screening has occurred and that nothing in the background of the individual indicates their involvement in a crime of a violent or sexual nature, or bears adversely upon his or her ability to provide for the safety and well-being of Minors in accordance with University standards.

The University may request additional information for certain individuals that it deems necessary to meet the requirements of this Policy.

**XV. EXTERNALLY-SPONSORED ACTIVITIES AND PROGRAMS WITH MINORS**

Contractual agreements with external organizations or individuals for the use of University facilities in connection with activities and programs with Minors must include compliance with these guidelines as a material term of the contract facility rental agreement. Such contracts should also include, to the greatest extent possible, an indemnification provision in which the University is, among other things, held harmless for all acts or omissions arising from or related to such activities and programs with Minors. Additionally, such external organization or individual shall carry liability insurance with a minimum liability occurrence limits consistent with the University’s current coverage expectations, naming the University as an “additional insured” on the certificate of insurance.

Any external organization or individual desiring to use a space owned by the University involving an activity or program with Minors must complete a Facility Use Agreement. Any external organization or individual desiring to use a space in the Community Center involving an activity or program with Minors must complete the online application and forms and agree to the Community Center policies.

**XVI. ENFORCEMENT**

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 applicable to the individual 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 entities that violate this Policy. Additionally, depending on the circumstances, law enforcement authorities may be notified, where appropriate.

**XVII. LIST OF FORMS UNDER THIS POLICY**

1. Program Registration Form
2. Event Participation Waiver for University Programs
3. Event Participation Waiver for External Programs

4. Background Check Authorization
5. Health Form, EPI-PEN Form & Release, Prescription & Non-Prescription Medication Release
6. Media, Photo & Video Release Form

**XVIII. List of Resources and Procedures under Policy:**

1. Evacuation & Emergency Response Planning Resource
2. Missing Minors Procedures
3. Medical Emergency and Non-Emergency Response Procedures
4. Minors Accessibility Policy and Procedures
5. Warning Signs for Child Abuse and Neglect Resource Document