



XAVIER UNIVERSITY

Policy on Minors in University-Sponsored Programs or Programs Held at the University and/or Housing in University Facilities

Effective: January 4, 2023

Last Updated: New Policy

Responsible University Office: Office of General Counsel

Responsible Executive: General Counsel

Scope: Faculty and Staff

A. REASON FOR POLICY

Xavier University is committed to the safety and well-being of minors who are entrusted to our care or visit our campus. The purpose of the policy is to implement and maintain practices and safeguards for facilitating safe and healthy programs for minors on Xavier's campus and off-campus, when those programs are sponsored or sanctioned by a Xavier University unit. The Policy describes requirements placed on administrators, faculty, staff, students, volunteers and others working with minors – to facilitate the safest experience, fulfill our obligations as mandated by law, and provide the best possible experience for any minor visiting our campus or participating in a university-related program.

B. POLICY

Programs addressed in this Policy include, but are not limited to: camps; clinics; workshops; conferences; and other educational activities. This Policy applies to all such programs and activities whether they are limited to daily activities or involve the housing of minors in residence halls. Exceptions to this policy include: (1) undergraduate and graduate academic programs in which minors are enrolled for academic credit; (2) events on campus which are open to the general public; (3) events where minors attend at the sole discretion and under the supervision of their parents, guardians, or other adult acting in such capacity; (4) campus tours and/or non-overnight visits by minors considered to be prospective students; and (5) other programs as may be designated from time to time by the appropriate university official in extenuating circumstances, and in advance and in writing as exempted from this Policy.

The Xavier Montessori Lab School is accredited by the State of Ohio and the American Montessori Society. The Montessori Lab School follows the Ohio Department of Education regulations and guidelines for adult interactions with minors. The Montessori Lab School will meet the underlying expectations of this Policy, but may utilize different forms, classroom ratios, trainings or procedures as needed for the Montessori School so long as they are in compliance with their accreditors.

To the extent that any Program occurs at another institution (i.e. off-campus), and that institution has implemented policies and/or procedures for adult interaction with minors, that institution's policy/procedure will prevail to the extent the policy is at least as prescriptive as this Policy. If the institution does not set forth policy/procedures for direct interaction with minors, then this Policy will apply. For example: when Xavier students volunteer at a local elementary school, the Xavier students will follow the safety requirements set forth by the elementary school.

C. DEFINITIONS

Administrator or Program Leader

The person primarily responsible for the management, oversight, and implementation of a Xavier Program for minors, or the employee from the university's Sponsoring Unit who will be responsible for the administration of policy requirements.

Adult

Any person 18 years of age or older.

Authorized Adult or Program Staff

Individuals, paid or unpaid, Xavier or non-Xavier, who are responsible for the care and custody of, who might have unsupervised interactions with minors in a Program, or who will have direct contact with a minor. These individuals include but are not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, and independent contractors/consultants. This definition does not include temporary guest speakers, presenters and other individuals who have no direct contact with or responsibility for Program Participants other than short-term activities supervised by Program Staff.

Direct Contact

Providing care, supervision, guidance or control of minors and/or having routine or unsupervised interaction with minors.

Minor

A person under the age of eighteen (ORC §3109.01) who is not enrolled as a student at or employed by the University and who attends a Program as defined below. For the purposes of this policy the term "**Participant**" is also assigned this definition.

Program

Programs and/or activities offered by any university units (on or off-campus) or by non-university groups using university facilities. This includes but is not limited to workshops, sport

camp, academic camps, conferences, overnight pre-enrollment visits, Project Search programs and similar activities.

Sponsoring Unit

The academic or administrative unit of the university which offers or gives approval to a Program or gives approval for housing or use of facilities.

University Housing

Facilities owned by, or under the control of, the university intended for use as housing.

D. POLICY PROCEDURES

I. University-Sponsored Programs

A. Supervision of Minors and Access to University Facilities

1. **Supervision** - Except as otherwise provided in this section, Program Staff should make efforts to ensure Programs are supervised by at least two adults, which could include two authorized adults or parent(s) or legal guardian(s) of the Participants. Some of the factors to be considered in determining requirements for supervision are the number and age of participants, the activity(ies) involved, type of housing if applicable, and age and experience of the Program Staff members.

In circumstances of a group participation setting, it is acceptable for one Program Staff member to provide program supervision (e.g., classroom instruction or outdoor activities), so long as the activity is conducted in an open or public area where the group is visible to others outside the group at all times. This includes classroom or meeting activities where open doors or windows allow for a clear line of sight.

In accordance with the American Camp Association, the ratio of adults to minors should, at a minimum, meet the following*:

Standards for resident (overnight) camps are:

- 1 program staff for every 5 campers ages 4 and 5
- 1 program staff for every 6 campers ages 6 to 8
- 1 program staff for every 8 campers ages 9 to 14
- 1 program staff for every 10 campers ages 15 to 17

Standards for day camps are:

- 1 program staff for every 6 campers ages 4 and 5
- 1 program staff for every 8 campers ages 6 to 8
- 1 program staff for every 10 campers ages 9 to 14
- 1 program staff for every 12 campers ages 15 to 17

*These ratios are subject to revision to reflect the then-current recommendations of the American Camp Association.

At least one Xavier staff member must be on-call to assist to Program Staff and Participants.

2. **Additional Authorized Adult/Program Staff** - In addition to the requirement that two adults be present at all times when minors are being supervised, an additional authorized adult should consider a "floater" to stand in if one of the two adults in a classroom or other situation must leave the area. The two adults should not be family members.
3. **Xavier Facilities Access** - Participants are permitted in the general use facilities [e.g. athletic fields, public spaces, academic buildings] but may be restricted from certain areas of the facilities [e.g. storage rooms, equipment rooms, athletic training rooms, staff/ faculty offices] or from utilizing certain equipment.

B. Program Staff Training

1. Each Program Staff member shall attend annual mandatory training on the conduct requirements of this Policy, their responsibilities and Xavier's expectations; appropriate crisis/ emergency responses; safety and security precautions; addressing medical emergencies; confidentiality issues involving minors; and university responsibility/liability.
2. Program Staff must know how to request local emergency services and how to report suspected child abuse in accordance with Xavier's Procedures for Report regarding Minors. ([See Section 1.6.3.2 of the Xavier Student Handbook](#) and [Section 4.3.1 of the Harassment Code and Accountability Procedures- HCAP](#)). All related training shall be conducted or approved by the Title IX and Interpersonal Violence Response Office.
3. The Administrator/Program Leader may enhance and/or modify the required training program to meet specific needs of the particular program or activity in consultation with the Title IX and Interpersonal Violence Response Office, but any such enhanced or modified training must include all the elements described in this section.

C. Background Checks

1. All Program Staff are required to have a background check with the university before the adult is hired or allowed to have direct contact with minors. Background checks will be conducted via a web-based program monitored by Human Resources, and these checks must be cleared prior to the beginning of the Program. Subsequent background checks will be required every three (3) years for returning Program Staff.
2. Xavier University will conduct statewide criminal history searches in the State of Ohio, and county-by-county criminal history searches for any location outside of Ohio in which the program staff member indicates they have lived, worked, or attended school within the past seven (7) years. The background check will be limited to criminal offenses for which an individual has been convicted, pled guilty to a felony or

misdemeanor, or where such charges are currently pending. In addition to criminal records searches, the university also conducts a sex offender registry search and an ID Trace via the program staff member's social security number which reports any locations in which the social security number has been used for credit purposes so that these locales can be checked if not disclosed. In the event the Program Staff will be driving during the course of the activity, a driving record will be required in compliance with the University's Vehicle Use and Driver Responsibilities Policy.

3. It is the Program Leader's responsibility to assure that each program staff member has received a background check. Generally -
 - New hires are required to complete the university background check process at the time of, and as a condition of, hire. This new hire background check will be sufficient for this Policy.
 - All other Program Staff must complete the above described background check process. This includes current employees working with minors who have not previously completed a background check, those whose new hire background check was processed more than three years prior to the activity, and all other individuals working with minors whether paid or unpaid.
 - The university may accept successful documented background clearances from governmental agencies (e.g., School Districts) that have been completed within three (3) years from the start date of the activity.
 - Non-university entities are required to comply with these established procedures to conduct background checks on their Program Staff, that are comparable to these standards.

4. Should information of concern be reported on the background check, Human Resources will be responsible for ensuring that the requirements of the Fair Credit Reporting Act (FCRA) are followed. Human Resources will notify the Administrator of any concerns with the background report. If there are concerns, Human Resources will provide the individual a copy of the report along with the required "Summary of Rights Under the Fair Credit Reporting Act" document. Instructions will also be provided should the individual wish to dispute the accuracy of the report information. The final decision regarding any individual's participation in an activity will lie with Human Resources in consultation with General Counsel.

Results of background checks conducted under this Policy will be used only for the purposes of this Policy, except that the university reserves the right to take appropriate action with respect to employees who may have falsified or failed to disclose information material to their employment on employment applications uncovered as a result of the background check, including and up to immediate termination of employment. Copies of all correspondence with Program Staff regarding background checks will be retained in Human Resources.

D. University Housing

1. If applicable, Programs shall adopt and implement rules and regulations for proper supervision of minors in university housing. The following must be included:
 - a. Written permission signed by the parent/guardian for the minor to reside in university housing.
 - b. A curfew time which is age-appropriate for the participants, which in no case shall be later than midnight.
 - c. Guests of participants (other than a parent/legal guardian and other program participants) are restricted to visitation in the building lobby and/or floor lounges, and only during approved hours specified by the Program.
 - d. The Program must comply with all security measures and procedures specified by the Student Handbook and/or the Xavier University Police Department.
 - e. Program Participants are required to follow all rules as provided in the Student Handbook, On-Campus Living Policies.

E. Emergency Preparedness, Medical Treatment and Administration of Medicine

1. The Administrator/Program Leader 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. Program Staff, as well as Participants and their parents/legal guardians, must be advised of this procedure in writing prior to the start of the program.
2. The Administrator shall maintain a list of all Participants and a directory of Program Staff. This list shall include each Participant's name; local room assignment (if applicable); gender, age, address, and phone number(s) of parent or legal guardian, as well as emergency contact information.
3. The Administrator or Program Staff shall provide information to the parent(s) or legal guardian(s) detailing the manner in which the participant can be contacted during the program.
4. The Administrator shall obtain a signed copy of the [Assumption of Risk and Release Form](#) for each program participant and this [Assumption of Risk and Release Form](#) for each non-Xavier program staff member. This form should not be altered without permission from the Office of General Counsel.
5. The Administrator shall obtain a **Request and Consent for Administration of Medication** for each Participant. Forms should also be obtained for Program Staff that are minors. Distribution of Participants' medicines by Program Staff should be handled under the following conditions:
 - a. Program Staff shall review forms and determine which Participants need to self-administer medications during the Program.

- b. The Participant's parent or guardian must provide the medicine in its original pharmacy container labeled with the Participant's name, medicine name, dosage and timing of consumption. Over-the-counter medications must be provided in their manufacturers' container.
- c. Program Staff shall keep the medicine in a secure location, and at the appropriate time for distribution shall meet with the Participant.
- d. The Program Staff member shall allow the participant to self-administer the appropriate dose as shown on the container and the Request and Consent for Administration of Medication form.
- e. Parent(s) and/or guardian(s) must arrange for the administration of any medicine that the Participant cannot self-administer. Program Staff will only assist with the participant's self-administration.
- f. Devices for the self-administration of metered dose medications which are prescribed by a physician may be carried by the participant during program activities (examples include personal "epi" pens and asthma inhalers).
- g. No medications will be administered without the properly completed forms.

F. Program Rules of Conduct

Program Administrator shall develop and make available to participants the rules and disciplinary measures applicable to the program. Program participants and staff must abide by all university regulations and may be removed from the program for non-compliance with rules. Participants and parents/guardians must complete **the Participant Acknowledgement of Code of Conduct form**.

Program Staff will inform Participants about university rules, rules established by the program, behavioral expectations, and safety and security procedures. Program Staff are responsible for following and enforcing all rules.

G. Media, Photo & Video Release Form Liability

Program Administrator staff shall obtain a **Consent to Photograph/Video form** as part of the program registration process.

H. Allegation of Abuse

If a parent, guardian or minor alleges inappropriate conduct by any Authorized Adult to any Program Staff, the Program Administrator shall ensure the Authorized Adult discontinues any further participation in programs and activities covered by this Policy until such allegation has been satisfactorily resolved in accordance with the appropriate University policy, which shall be initiated by the Program Administrator or appropriate Xavier personnel.

I. Code of Conduct for Authorized Adult/Program Staff

Authorized Adults should behave professionally and maintain the highest standards of personal behavior at all times. Authorized Adults shall NOT:

1. To the extent possible, have one-on-one contact with minors: there must be two or more authorized adults present during activities where minors are present. In furtherance, Authorized Adults shall not have any direct electronic contact, including social media, with minors without another Authorized Adult being included in the communication.
 - a. Authorized Adults should be aware of situations in which actions can be misconstrued or manipulated by others (for example, being alone with the last child to leave a class); and therefore, conduct all dealings with children in a public environment as much as possible, so that all behavior can be readily observed.
2. Enter a minor's room, bathroom facility, changing area, shower area or similar area without another Authorized Adult in attendance.
 - a. 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.
3. Share sleeping quarters, a bed or sleeping bag with a minor.
 - a. Other than a minor's parent or guardian, separate accommodations for adults and minors are required.
 - b. Minors should be placed in accommodations that allow for a locked door between themselves and Program Staff. Program Staff should not enter the sleeping quarters of a minor without another Authorized Adult present.
4. Engage in abusive conduct of any kind toward, or in the presence of, a minor.
5. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner any minor.
6. Engage in rough or sexually provocative games, including horseplay.
7. Allow any inappropriate touching, including between children.
8. Swear, use or respond to sexual innuendo or make sexually suggestive comments.
9. Pick up minors from or drop off minors at their homes, other than the driver's child(ren), except as specifically authorized in writing by the minor's parent or legal guardian. Two Authorized Adults should be in a vehicle with a minor if transportation is needed.
10. Use or provide alcohol or drugs to any minor.
 - a. Prescription medication shall only be provided in accordance with this Policy.
11. Make sexual material in any form, including printed and electronic, available to minors participating in programs or activities covered by this Policy or assist them in any way in gaining access to such materials.
12. Shower, bathe, or undress with or in the presence of minors.
13. Favor one Participant more than another; give gifts to any one minor in a program; accept expensive gifts from any minor in the program.
14. Tell Participants "this is just between the two of us" or use similar language that encourages children to keep secrets from their parent/guardians.

II. Non-University Programs

1. External Organizations

From time to time, non-university camps and other educational programs or activities will be hosted on the university campus. The non-university party must secure a Xavier University Sponsoring Unit in order to utilize campus facilities. The relationship of the non-university party and Sponsoring Unit must be captured in an agreement signed by both parties.

The agreement must include the following delineated requirements from the non-university entity to ensure a quality program experience for the participants, including

- a. Conduct the business operations of the Program, including: early registration, fee collection and on-site registration to include the collection of fees, the collection of medical release forms, the distribution of appropriate, Xavier-related materials, and the assignment of appropriate housing;
- b. Provide at least one administrative program director who will be responsible for the satisfactory operation of the camp, which includes:
 - Ensuring compliance with university policies, procedures and rules;
 - Maintaining discipline among the participants and compliance with university rules;
 - Ensuring authorized personnel follow the Code of Conduct as stated Section D(I)(I);
 - Arranging for medical treatment in all cases of illness and injury occurring during the camp, including transportation to and from the medical facility, and seeing that appropriate insurance forms and information are provided;
 - Maintaining regular and open communication with Sponsoring Unit at the university, sponsors, dormitory residents, and dormitory personnel in order to avoid problems;
 - Maintaining daily contact with the Sponsoring Unit liaison to ensure that dining hall and program schedules are coordinated and observed;
 - Maintaining regular daily liaison with the university Sponsoring Unit to inform the office of the Program's progress and to receive messages and mail; and
 - Being on call 24 hours a day while the Program is in session.
- c. Provide competent staff who have received the training described in Section D(I)(B), agree to abide by the Code of Conduct and who will supply adequate instruction and leadership during activities;
- d. Complete background checks in accordance with Section D(I)(C) above or conduct appropriate background checks on program staff and director that meet or

exceed the standards established in this Policy. Specific Agreement language is as follows:

- As a condition of this contract, Client certifies that all of its employees, independent contractors or agents who will be performing services on behalf of the Client and/or for the benefit of Xavier University, will have successfully completed a background check in accordance with the Policy on Minors in University-Sponsored Programs or Programs Held at the University and/or Housing in University Facilities. Clients have a financial obligation to pay for all background checks of its employees, independent contractors or agents. Client is required to submit evidence to the appropriate unit at Xavier University of the completed checks.
- e. Conduct appropriate training consistent with this Policy that at minimum addresses protecting Participants from abusive emotional and physical treatment, and required reporting of incidents of improper conduct to the proper authorities including, but not limited to, appropriate law enforcement authorities;
- f. Ensure compliance with the participation supervision requirements set forth in Section D(I)(A) of this Policy;
- g. Submit to the Sponsoring Unit all printed materials used in advertising Program(s) held at the university;
- h. Provide the Sponsoring Unit with regular updates of anticipated space requirements and, at a minimum, provide: (a) a best estimate of attendance sixty days prior to Program; (b) an update every week for the four weeks leading up to the Program; and (c) a written reservation guarantee five working days prior to the Program;
- i. Assume financial responsibilities for key and lock replacement for keys that are issued for the Program and not returned to University Housing;
- j. Assume financial responsibility for any special services or requests which Xavier may deem necessary to enhance the safety of the Program;
- k. Assume financial responsibility for any and all losses or damages to facilities, equipment, residence halls, or other university property resulting from any act or failure to act on the part of participants or Program Staff;
- l. Agree to operate in accordance with Federal Affirmative Action/Equal Opportunity requirements;
- m. To the fullest extent permitted by law, defend, indemnify and hold harmless Xavier University, its Board of Trustees, faculty, staff and agents from and

against any and all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of, related to, or resulting from performance of services under the contract, regardless of whether such claim, damage, loss or expense is caused in part, or is alleged but not legally established to have been caused in whole or in part by the negligence or other fault of the university; and

- n. Submit to the Sponsoring Unit, at least one month prior to the start of the program an additional insured endorsement and a certificate of insurance written on an occurrence form issued by a carrier with an A.M. Best rating of A or higher which identifies Xavier University, its Board of Trustees, faculty, staff and agents as an “Additional Insured” and provides a minimum of one million dollars in liability coverage; due to the nature of some events, Xavier University reserves the right to require additional limits of liability coverage. A complete list of insurance requirement can be found in [RM website - Independent Contractor Insurance Requirements](#).

2. Independent Contractors of Xavier University

The university also obtains the services of independent contractors, which from time-to-time might include those individuals who will work with minors. In such circumstances, the agreement between the university and the independent contractor must include adherence to all of the following, which must be to standards set forth in the Policy:

- Background Checks;
- Training;
- Supervision Requirements;
- Staff Code of Conduct;
- Indemnification of the university;
- Insurance; and
- Compliance with the safety and medical forms.

III. **Program Notification**

The Program Administrator or Sponsoring Unit shall provide XUPD/XU Risk Management with notification of the Program dates, locations and estimates of Program Participants at least 1 week in advance.

E. EXHIBITS

[Asthma Inhaler & Metered Dose Medication Authorization Form](#)

[Assumption of Risk Form](#)

[Participant Photo Release](#)

[Request for Administration of Medication](#)

[Independent Contract Form Addendum, Programs for Youth/Minors](#)

[Standard Facilities Use Agreement Addendum, Programs for Youth/Minors](#)

F. HISTORY

This is a new policy.