



1. INTRODUCTION

The University is committed to promoting the safety and wellbeing of Children who are entrusted to the University's care, who participate in University Programs, or who are present in University facilities. The purpose of this policy is to describe the University's expectations of faculty, staff, students, alumni, volunteers and others associated with the University when interacting with Children, and to set forth criteria for Units when Sponsoring Programs involving Children to ensure their safety while in the University's care.

2. POLICY STATEMENT

While the University strives to provide a safe environment for all those participating in University Programs or otherwise present in University facilities, Children are a particularly vulnerable population and require additional preparation and vigilance. To that end, the University has established the following criteria.

2.1 Individuals Interacting with Children

1. Behavioral Expectations

The behavior of University faculty, staff, students, alumni, volunteers and others associated with the University, is expected to align, at all times, with the University's [core values](#) and the specific expectations for interacting with Children found in *Appendix A*. Adults must be positive role models for Children, and act in a caring, honest, respectful and responsible manner.

2. Duty to Report Suspected Abuse and/or Inappropriate Behavior

Indiana law requires anyone who has reason to believe that a Child is a victim of child abuse or neglect to make an oral report immediately to the local child protection service or the local law enforcement agency. If the Child is on the Notre Dame campus, the appropriate law enforcement agency to contact is NDSP (574-631-5555). If the Child is not on the Notre Dame campus, the best way to contact the appropriate law enforcement agency is to call 911.

Separate from any legal duty, any member of the University community should contact NDSP (574-631-5555) or the Integrity Line (800-688-9918) to discuss any suspicious, inappropriate or unusual conduct involving a Child while the Child is on campus or is participating in a University-connected activity off campus that would lead a reasonable

person to have concern for the current or future well-being of that particular Child or other Children.

2.2 Programs Involving Children under Sponsorship, Direction, or Control of University Unit

The following requirements apply to all Programs and events Sponsored, directed, or otherwise under the control of a University Unit:

A. Background Checks

The University Unit must ensure that all non-student volunteers and non-university employees affiliated with a Program or event involving Children have been subject to a criminal background check and a check of the national sex offender registry. Additionally, the University Unit must ensure that any University Representative who will be present in a facility with Children during an Overnight Stay as part of the Program undergo a criminal background check and a check of the national sex offender registry every three years. The Office of Human Resources, in consultation with the Office of General Counsel, will review any adverse findings revealed during a criminal background check or national sex offender registry check and make appropriate recommendations.

B. Student Volunteers

The University Unit shall be responsible for requiring each Student Volunteer affiliated with a Program or event involving Children to complete a sworn statement, included in Appendix D of this policy, concerning the student's criminal history. The University Unit shall review each Student Volunteer's completed sworn statement and determine whether to disassociate the student from the Program on the basis of any responses contained in his or her completed statement. If a University Unit would like guidance on how to address any particular response contained in a completed sworn statement, the University Unit should contact the Office of General Counsel. The University Unit shall maintain a copy of each completed sworn statement for a period of 15 years after the date of signature.

C. Overnight Stays

University-Sponsored Programs involving Children may not include overnight stays off campus without express permission from the Office of Risk Management, which can be reached at 574-631-5037. When a Program will involve Children staying overnight on campus, Units must assign a Responsible Party for on-site supervision of Children.

In addition to the foregoing requirements, all University Units that Sponsor, direct, or control Programs or events involving Children shall be required to adhere to other established procedures and standards for such Programs, which procedures and standards are dependent on the nature of the Unit as described further in this section.

2.2.1 Major Units

The following Major Units at the University shall develop an Operating Procedures Manual for Programs and events involving Children that are Sponsored, directed, or controlled by the Unit:

- Department of Athletics
- Enrollment Division (including Pre-College Programs)
- Center for Social Concerns
- Robinson Community Learning Center
- Student Activities Office
- Recreational Sports Department

Each Major Unit's Operating Procedures Manual shall be submitted by the Major Unit to the Office of General Counsel for initial review and approval. Upon approval, the Operating Procedures Manuals will be maintained in the Office of Risk Management, as well as in the responsible Unit. At a minimum, each Major Unit's Operating Procedures Manual shall address the following topics:

- a. Process by which Programs and events involving Children will be reviewed and approved within the Major Unit
- b. Process for educating and training University Representatives involved with Program on the University's core values and behavioral expectations (*see Appendix A*) along with: duty to report; insurance, waivers and other requirements of the Office of Risk Management; and other applicable University policies and best practices
- c. Process for registering Children, collecting parent/guardian contact information, and collecting waivers when Program or event involves University exercising Custody over Children
- d. Process and standards for Overnight Stay component of any Program or event involving Children that the Unit Sponsors, directs, or controls, which must include designation of a Responsible Party for on-site supervision during Overnight Stay
- e. Process for intake and release of Children when Children are left under University's Custody by parent/guardian
- f. Process and schedule for internal audit of Unit's compliance with Operating Procedures Manual
- g. The Sponsoring Unit shall develop procedures for monitoring the health of Children participating in Programs and referring Children for medical care as deemed necessary, and reporting all such referrals to the Office of Risk Management. Either the Office of General Counsel or the Office of Risk Management may suggest revisions to the suggested procedures in order to ensure general consistency in practice among Programs.
 - i. While a Unit Sponsoring a Program involving Children may require proof of insurance as a condition of participating in a Program and even identify satisfactory providers for participants, the Unit should not directly arrange for full medical insurance for the Children, pay any medical bills for the Children, or bill for any services related to health issues without obtaining prior approval of the oversight function (which approval would not

ordinarily be given).

Appendix B sets forth a template for Major Units to utilize in developing an Operating Procedures Manual tailored to the specific features of their respective Programs and operations.

2.2.2 Other Units Sponsoring Programs Involving Children

All other University Units that Sponsor, direct, or control Programs or events involving Children must register each such Program or event with the Office of Risk Management at least 30 days prior to the Program's or event's commencement. For a Program or event involving a Child to be supported by the University, the Other Unit Sponsoring, directing, or controlling the Program must follow the implementation checklist provided in *Appendix C*.

2.2.3 Other Academic Units Sponsoring Programs Involving Children

The Academic Council has adopted the following Policy Statement:

This Policy Statement establishes that all of the requirements and procedures set forth in the University's Protection of Children Policy that are applicable to non-Academic Units shall be applicable to Academic Units, with the following additions:

- (a) On an annual basis, Deans shall notify their respective faculty of the Protection of Children Policy and of their faculty responsibilities under the Policy.
- (b) Deans may establish educational requirements for their respective faculty to promote awareness of their duties and obligations under the Policy. Upon request, the Office of Risk Management will provide Deans with materials about the Policy that can be utilized for such educational purposes.

2.3 Third-Party Use of Facilities for Programs Involving Children

All Units permitting third-party use of University facilities for Programs Involving Children must appoint a Responsible Party in the Unit to function as a liaison to the third-party entity. The Responsible Party shall ensure the execution of a facility use contract that has been reviewed and approved by the Office of General Counsel, verification of insurance and waiver compliance, and shall communicate with affected departments (e.g. NDSP) as needed.

3. SCOPE

This policy applies to all University faculty, staff, students, alumni and volunteers and to all situations where a University department, faculty, staff, student, alumni or volunteer is Sponsoring, directing, staffing, or permitting the use of University facilities or resources for a Program, event, or activity involving Children under the auspices of the University or one of its Units, departments, or offices

4. DEFINITIONS

| | |
|-------------------------------------|---|
| Abuse | Includes serious endangerment of a Child’s physical or mental health due to injury or act of omission, including acts of sexual abuse. Sexual abuse includes contacts or interactions between a Child and an adult when the Child is being used as an object of sexual gratification for the adult. A Child is abused under this definition whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the Child, and whether or not there is discernible harmful outcome. |
| Custody | Immediate charge and control of a Child exercised by a person. |
| Children/Child | Anyone under the age of 18 who has not matriculated to the University. |
| Programs | Includes ongoing or planned events or activities that are designed to include Children such as camps, lessons, workshops, clubs, teams, projects, practices, tours, or open-houses. |
| Responsible Party | An adult representative of the University. |
| Sponsor | A Unit who assumes responsibility and leadership of a Child or group of Children during a Program or activity. |
| Student Volunteer | Any fully matriculated University of Notre Dame undergraduate or graduate student. |
| Unit | Any individual, office, department, institute or college that is a part of the University’s formal structure. |
| University Representative | Anyone acting for or on behalf of the University, at the University’s request or direction. |
| University Sponsored Program | Any Program that is advertised or supervised by the University, a University Unit or a University Representative. |

5. POLICY ENFORCEMENT

The Office of Human Resources, working with the Office of General Counsel, will manage suspected violations and may recommend disciplinary action in accordance with University codes of conduct or policies. Sanctions may include one or more of the following:

- Disciplinary action up to and including termination of employment
- Student discipline in accordance with *du Lac* student procedures

- Issuance of “No Trespass” orders
- Cancellation of third party contract

The University reserves the right to immediately suspend or cancel any University Sponsored Programs involving Children that have not met the criteria set forth in this policy.

6. RELATED DOCUMENTS

| Policy or Document | Web Address |
|---|---|
| Ethical Conduct Policy | http://policy.nd.edu/policy_files/EthicalConductPolicy.pdf |
| Non-Retaliation Policy | http://policy.nd.edu/policy_files/NonRetaliationPolicy.pdf |
| Conducting Background Checks | http://hr.nd.edu/nd-faculty-staff/toolkits/hiring-manager-toolkit/ |
| Vehicle Use Policy | http://transportation.nd.edu/assets/12963/rental_faculty_and_staff_use_policy.pdf |
| Drug & Alcohol Policy | http://hr.nd.edu/nd-faculty-staff/forms-policies/drugs-and-alcohol/ |
| Program Information Template | http://policy.nd.edu/policy_files/ProgramInformationTemplate.pdf |
| Waiver template | http://policy.nd.edu/policy_files/WaiverTemplate.pdf |
| Medical Release and Consent to Treat Template | http://policy.nd.edu/policy_files/MedicalReleaseTemplate.pdf |
| Training Resources | http://policy.nd.edu/policy_files/TrainingResources.pdf |

7. CONTACTS

| Office | Telephone Number | Office Email or URL |
|----------------------------|------------------|---|
| Risk Management | 574-631-5037 | http://riskmanagement.nd.edu/ |
| Office of General Counsel | 574-631-6411 | gencoun@nd.edu http://generalcounsel.nd.edu/ |
| Notre Dame Security Police | 574-631-5555 | ndsp@nd.edu http://ndsp.nd.edu/ |

This Policy located at:

http://policyfiles_policy/ProtectionofChildrenPolicy.pdf

APPENDIX A

Behavioral Expectations for Working with Children

Those associated with Programs involving Children shall observe the following “dos” and “don’ts” in order to maintain a safe and positive experience for Program participants, encourage parental confidence and avoid mistaken allegations.

DO:

- Report any instance or suspect instance of Abuse or neglect involving a Child to [Notre Dame Security Police](#) immediately (574-631-5555).
- Maintain the highest standards of personal behavior at all times when interacting with Children.
- Whenever possible, try to have another adult present when you are working with Children in an unsupervised setting. Conduct necessary one-on-one interactions with Children in a public environment where you can be observed.
- Treat all Children in a group consistently and fairly, and with respect and dignity.
- Be friendly with Children within the context of the formal Program while maintaining appropriate boundaries.
- Maintain discipline and discourage inappropriate behavior by Children, consulting with your supervisors if you need help with misbehaving youth.
- Be aware of how your actions and intention might be perceived and could be misinterpreted.
- Consult with other adult supervisors or colleagues when you feel uncertain about a situation.

DON'T:

- Don't spend significant time alone with one Child away from the group or conduct private interactions with Children in enclosed spaces or behind closed doors.
- Don't engage in inappropriate touching or have any physical contact with a Child in private locations.
- Don't use inappropriate language, tell inappropriate jokes, or make sexually suggestive comments around Children, even if Children themselves are doing so.
- Don't give personal gifts to, or do special favors for, a Child or do things that may be seen as favoring one Child over others.
- Don't share information with Children about your private life or have informal or purely social contact with Children who are Program participants outside of Program activities.
- Don't strike or hit a Child or use corporal punishment or other punishment involving physical pain or discomfort.
- Don't relate to Children as if they were your peers, conduct private correspondence or take on the role of “confidant” (outside of a professional counseling relationship).
- Don't date or become romantically or sexually involved with a Child. Don't show pornography to Children or involve Children in pornographic activities.
- Don't provide alcohol or drugs to Children or use them in the presence of Children.

Appendix B

Major Units Sponsoring Programs involving Children

Operating Procedures Manual Template

- Process by which Programs and events involving Children will be reviewed and approved within the Major Unit
- Process for educating and training University Representatives involved with Program on core values, behavioral expectations, duty to report, risk management issues, other applicable University policies and best practices
- Process for registering Children, collecting parent/guardian contact information, and collecting waivers when Program or event involves University exercising Custody over Children
- Process and standards for Overnight Stay component of any Program or event involving Children that the Unit Sponsors, directs, or controls, which must include designation of University Representative responsible for on-site supervision during overnight Stay
- Process for intake and release of Children when Children are left under University's Custody by parent/guardian
- Process and schedule for internal audit of Unit's compliance with Operating Procedures Manual

APPENDIX C

Checklist for Other Units Sponsoring Programs involving Children

I. Contact the Office of Risk Management at least 30 days prior to the Program with the following information:

- a. Program's dates, times, locations, attendance (age range and number of participants).
- b. Responsible Party contact information along with list of adults who will work directly with Children.

II. Establish a registration process for the Program:

- a. System for capturing contact information of parents/guardians
- b. Process for pick-up and release of Children to parents/guardians
- c. Collection of waivers, medical information and other relevant documents
- d. Handling money
- e. On-campus housing access
- f. Transportation needs

III. Conduct Background Checks:

- a. Work with the Office of Human Resources to ensure that a criminal and sexual background check has been completed within the last **three** years for adults who will be involved in overnight stays with Children in the Program.
- b. Establish a process to ensure that anyone affiliated with the Program who is not an employee of the University, including non-student volunteers, has been subject to a criminal and sexual background check.
- c. Student Volunteers will be required to sign a sworn statement revealing any criminal background.

IV. Communicate Behavioral Expectations

- a. Prior to the implementation of any Program involving Children, communicate the *Behavioral Expectations for Working with Children* found in **Appendix A** to all individuals involved in the Program.
- b. Identify any additional specific behavioral expectations related to the Program.

V. Training

- a. Each adult who will be working with Children in the Program must complete the online training provided by the Office of Risk Management at minimum every **three** years.
- b. The Unit may enhance or modify the required training to meet specific needs of the particular program involved in consultation with the Office of Risk Management to ensure all required elements are included.

APPENDIX D

SWORN STATEMENT OR AFFIRMATION FOR UNIVERSITY OF NOTRE DAME
STUDENTS VOLUNTEERING TO WORK WITH CHILDREN

Please Print

| | | |
|-----------|--------------|--------------|
| Last Name | First Middle | Student ID # |
|-----------|--------------|--------------|

| | | |
|-------------------------|--------|--------|
| Current Mailing Address | Street | Apt. # |
|-------------------------|--------|--------|

| | | |
|------|-------|----------|
| City | State | Zip Code |
|------|-------|----------|

Have you ever been convicted of a crime classified as a felony or misdemeanor?

Yes

No

If yes, please list all felony and misdemeanor convictions, including convictions by court martial and driving under the influence. For each offense, state the nature, location, date, and penalty (you do not need to list parking or speeding tickets). A conviction record will not necessarily preclude you from volunteering to work with Children.

I hereby affirm that the information provided on this form is true and complete. I understand that the information is subject to verification and that making a materially false statement will preclude me from volunteering to work with Children.

| | |
|-----------|------|
| Signature | Date |
|-----------|------|