



Child Protection Policy

Policy Summary

Brigham Young University is committed to maintaining a safe environment for children who participate in university-sponsored activities or visit its facilities. The protection of children from abuse is consistent with the teachings of the university's sponsor, The Church of Jesus Christ of Latter-day Saints, with the [Church Educational System Honor Code](#), and with applicable laws and regulations. The [Church Educational System Honor Code](#) requires university personnel and students to abide by the standards of Christian living taught by the Church, both on and off campus.

To that end, no faculty member, staff employee, administrative employee, contractor, volunteer, or student shall be involved in the abuse of a child, whether on or off campus.

Definitions

Abuse is the endangerment of a child's physical or mental health resulting from non-accidental harm of the child, threatened harm to the child, sexual exploitation, or sexual abuse. Abuse does not include reasonable discipline or management of a child, including withholding privileges, or the use of reasonable and necessary physical restraint or force on a child to protect the child or others from harm.

Adult means a person 18 years of age or older.

Child, Children, or Minor are terms used interchangeably in this policy and mean any person under the age of 18.

Responsible Adult is a person 18 years of age or older who understands that he or she is responsible for the safety and activities of the minors within his or her care and who has completed the required child protection training.

Sexual Exploitation and Sexual Abuse are contacts or interactions between a child and an adult when the child is being used in any way for the sexual gratification of the adult. Sexual abuse includes an act or attempted act of any sexual activity. Sexual exploitation is knowingly using or influencing a child to engage in sexual activity, including viewing pornography, for the sexual arousal of any person or for the purpose of photographing or recording the activity. Sexual exploitation also includes displaying, distributing, selling, or possessing child pornography. A child is abused or exploited through any of the above actions whether or not the activity involves explicit force, involves physical contact, is initiated by the child, or produces a discernible harmful outcome.



Duty to Report

The university is committed to maintaining a safe environment for all children on campus or who are participating in university-sponsored activities. Consistent with this objective and with Utah state law, university personnel have a duty to immediately report to the nearest peace officer, law enforcement agency, or applicable office of the state Division of Child and Family Services any situation, whether on or off campus, in which they have “reason to believe that a child has been subjected to abuse or neglect, or observe[] a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.”¹ For questions about this reporting obligation, including how to make a report, or for questions about any other provision of this policy, please call the university’s Office of the General Counsel at (801) 422-3080.

Incidents of sexual abuse or sexual exploitation of children on campus or in any university-sponsored activity should also be reported to the university’s Title IX coordinator, who should ensure that university policies and procedures for investigating such complaints are followed and, if appropriate, disciplinary procedures are initiated.

University personnel or students who have knowledge of and fail to report or to cooperate in the investigation of complaints of child abuse may be subject to appropriate disciplinary action, up to and including termination of employment and dismissal from the university. The confidentiality of the reporting party will be observed, provided that it does not interfere with the university’s ability to investigate and take corrective action and is not prohibited by law. Retaliation against an individual who has filed a complaint of child abuse will be considered a violation of policy, and the retaliating person may be subject to sanction, including termination, suspension, dismissal, and/or a ban from campus, depending on the circumstances and severity of the retaliation. Encouraging others to retaliate also violates this policy.

A person does not need tangible proof of abuse to have a duty to report under Utah law; a duty arises when there is reason to believe abuse is occurring.

The university discourages the presence of unescorted or unsupervised minors on campus.

Standards of Conduct

- Adults who are involved with minors on campus or in university-sponsored activities shall adhere to the [Church Educational System Honor Code](#).
- Adults who are involved with minors on campus or in university-sponsored activities shall not engage in abuse or other demeaning or disrespectful activities of any kind toward or in the presence of a minor including sexual exploitation, sexual abuse, hazing, or bullying in any form, whether by means of text messages, email, online forums, social networking sites, direct physical contact, or any other method.

¹ Utah Code Ann. § 62A-4a-403(1)(a).



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- Adults who are involved with minors on campus or in university-sponsored activities shall not strike, hit, administer corporal punishment to, or touch any minor in an abusive or illegal manner.
 - Adults who are involved with minors on campus or in university-sponsored activities should avoid one-on-one contact with minors.
 - Adults who are involved with minors on campus or in university-sponsored activities shall not assist minors in accessing pornography or make any form of pornography available to them.
 - Minors shall not participate in overnight, university-sponsored activities unless one of the minor's parents or legal guardians has given consent.
 - Adults on campus or who are involved in university-sponsored activities may not enter areas where they would be alone with a minor who is showering or bathing. In emergency situations, responsible adults may enter the area for purposes of the emergency only.
 - Adults who are involved with minors on campus or in university-sponsored activities shall not transport minors in a personal vehicle unless the minors are relatives of the adult. Transportation of minors in university vehicles during a university-sponsored program is permitted if at least three people are present in the vehicle at all times during transportation of the minors.²

Additional Guidelines

University-Sponsored Programs

All university-sponsored programs involving or with the potential to involve minors must be sponsored by a unit of the university and must adhere to the Standards of Conduct described above. Any contracts with non-university entities for programs or services that involve minors must include a provision that requires personnel to comply with the Standards of Conduct in this policy.

Background Checks

In an effort to protect minors, the university will conduct background checks in accordance with the university's [Background Check Policy](#) and related procedures, and to the extent required by law.

² See University Vehicle Policy for further information about the university's transportation policy.



Training

All university personnel, including faculty, staff, administrative employees, volunteers, contracted personnel, and students, shall be notified of their obligation to report suspected child abuse or neglect under Utah law.

University faculty, staff, administrative employees, volunteers, contracted personnel, and student employees participating in university-sponsored programs involving minors must complete training on child abuse prevention and reporting.

Sanctions

In accordance with other university policies regarding personnel discipline, any university faculty member, staff employee, administrative employee, or contracted personnel who is convicted of child abuse will be terminated, regardless of whether the abuse occurred on or off campus. In accordance with other university policies regarding student discipline, including but not limited to the [Church Educational System Honor Code](#), any student convicted of child abuse will be dismissed from the university, regardless of whether the abuse occurred on or off campus.

If there is a reasonable basis, as determined by the university, to believe that a university faculty member, staff employee, administrative employee, contracted personnel, or student has engaged in child abuse, on or off campus, then the faculty member, staff employee, administrative employee, contracted personnel, or student is subject to university discipline in accordance with university policy, up to and including termination or dismissal from the university. (See also [Sex Offender Policy](#).)

APPROVED: 4 Mar 2013 [Revised 1 Jun 2020]

APPLICABILITY: This policy applies to all university faculty, staff, administrative employees, contracted personnel, volunteers, and students both on and off campus.

POLICY OWNER: Academic Vice President, Administrative Vice President / Chief Financial Officer, Advancement Vice President, International Vice President, Student Life Vice President

RESPONSIBLE OFFICE: Risk Management and Safety

RELATED POLICIES:

- [Administrative and Staff Employee Discipline Policy](#)
- [Background Check Policy](#)
- [Church Educational System Honor Code](#)



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- [Concussion and Head Injury Policy](#)
 - [Faculty Discipline and Termination Policy](#)
 - [Honor Code Investigation and Administrative Review Process Policy](#)
 - [Personnel Conduct Policy](#)
 - [Risk Management and Safety Policy](#)
 - [Sex Offender Investigation and Review Process Policy](#)
 - [Sex Offender Policy](#)
 - [Sexual Misconduct Policy](#)
 - [University Vehicle Policy](#)
 - [University Vehicle Procedures](#)