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## Minor Protection Policy

Brigham Young University is committed to promoting a safe environment for minors. BYU and its sponsor, The Church of Jesus Christ of Latter-day Saints, have zero tolerance for Abuse. Abuse violates the laws of God and the laws of society. BYU personnel, volunteers, contractors, and students must not engage in any form of Abuse, as defined below, whether on or off campus, and should do all they can to prevent it and to protect and help those who have been victims of Abuse.

This policy establishes standards and requirements for reporting Abuse and for interacting with Minors in various programs, activities, or events. Failure to comply with this policy may result in discipline, up to and including suspension, dismissal, termination, and/or a ban from campus.

### Scope

This policy contains specific requirements for programs and activities that involve Minors but does not address other important university policies and legal requirements applicable to all university programs and activities, including programs involving Minors (e.g., accessibility, privacy, employment laws, copyright law, etc.).

### Definitions

*Abuse* means the neglect or mistreatment of a Minor in a way that causes (or could cause) physical, emotional, or sexual harm. Abuse includes Sexual Abuse and Sexual Exploitation as defined below. Abuse does not include reasonable discipline or management of a Minor, including withholding privileges, or the use of reasonable and necessary physical restraint or force on a Minor to protect the Minor or others from harm.

*Adult* means a person 18 years of age or older.

*Authorized Adult* means an Adult, paid or unpaid, who oversees, supervises, chaperones, or otherwise interacts directly with Minors in a University Program, as an authorized representative of the university, or in a Non-university Program and who meets the qualifying requirements listed in this policy (e.g., criminal-charge disclosure, Background Check, and training required by this policy).

*Authorized Educational Visit* means authorized visits to campus, less than eight hours in length per visit, by elementary and secondary school groups, or similar youth educational, civic, or athletics organizations, that have registered in the Minor Protection Registration System and signed a written agreement approved by Risk Management and Safety explicitly making the school or organization solely responsible for supervising its students while on campus and indemnifying BYU for any liability that may arise from the visit.



*Background Check* means a background check through the university's authorized background check vendor or some other reputable source approved in writing by both Risk Management and Safety and Employee Relations that includes, at a minimum, a state and national criminal background search covering the person's residency over the last seven years and a national sex offender registry search.

*Minor* means any person under the age of 18. (Where possible, University Programs and Non-university Programs should apply to 18-year-old participants the same standards and practices applicable to Minor participants.)

*Minor Protection Registration System* means an online system created and maintained by Risk Management and Safety where organizational units register University Programs, Non-university Programs, and Authorized Educational Visits by providing information such as program name, dates of operation, number of Minor participants, and names of Authorized Adults so that Risk Management and Safety can verify compliance with this policy (e.g., background checks, training, etc.). Registration in the [Minor Protection Registration System](#) is for Minor protection purposes only and does not take the place of program approval by responsible university officers or demonstrate compliance with other important university policies and legal requirements applicable to all university programs and activities.

*Non-university Program* means an organized program, activity, or event that

- includes participants, which may include volunteers, who are Minors;
- is offered, sponsored, and operated entirely by an organization or organizations not affiliated with the university or the Church; and
- is held on campus or otherwise uses university-owned facilities.

Authorized Educational Visits are excluded from the definition of Non-university Program.

*One-on-One Interaction* means individual interaction (whether in person or through electronic communication or other means) between an Adult and a Minor in a manner that is not clearly visible to another Adult in the immediate vicinity.

*Program Director* means an Authorized Adult, at least 21 years of age, who has primary responsibility for overseeing a University Program, Non-university Program, or Authorized Educational Visit. A Program Director serves as the primary point of contact for a University Program, Non-university Program, or Authorized Educational Visit and is also responsible for ensuring compliance with the requirements of this policy.

*Sexual Abuse* is any sexual activity between a Minor and an adult. Sexual Abuse can also include sexual conduct between a Minor and another Minor, especially when one of them is older or is



in a position of power, trust, or control. It also includes viewing, creating, or distributing child pornography.

*Sexual Exploitation* includes knowingly using or influencing a Minor to engage in sexual activity, including viewing pornography, for the sexual arousal of an Adult or for the purpose of photographing or recording the activity. Sexual Exploitation also includes displaying, distributing, selling, or possessing child pornography. A Minor 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 Minor, or produces a discernible harmful outcome.

*University Program* means an organized program, activity, or event that includes participants or volunteers who are Minors and is offered, sponsored, or operated by an organizational unit of the university. A University Program may occur on or off campus. The following are excluded from the definition of University Program:

1. Authorized Educational Visits;
2. Programs, activities, and events intended for undergraduate or graduate-level students, even if they involve Minors who are admitted undergraduate or graduate students or registered for undergraduate or graduate-level courses (e.g., 17-year-old freshmen and high school students concurrently enrolled in BYU Independent Study university courses);
3. Programs, activities, events, and services open to the general public where parents/guardians are expected to supervise their Minors (e.g., athletic competitions, performances, lectures, wedding receptions, dining facilities, BYU Store);
4. Programs, activities, events, and services not open to the general public where parents/guardians are required to accompany their Minors;
5. Programs, activities, and events designed for Adults, even if a person under 18 may participate;
6. Patient-care related activities of the BYU Student Health Center subject to separate Minor protection procedures approved by Risk Management and Safety;
7. Off-campus academic or volunteer opportunities with non-BYU organizations that the university helps arrange for students, provided the non-BYU organization is solely responsible for protecting Minors (e.g., internships, student-teaching, Y-Serve volunteer opportunities);
8. Research protocols involving Minors as human subjects, which are subject to requirements specified by BYU's Institutional Review Board;
9. Tours and events for prospective student-athletes organized by BYU Athletics and subject to the rules of the National Collegiate Athletic Association;
10. Visits to campus by youth groups sponsored by the Church where the group's Adult leaders are solely responsible for supervising the Minors involved; and



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11. Employment of a Minor by the university (laws and policies related to the employment of Minors should be followed—e.g., the Administrative and Staff Employment Policy).

### **Duty to Report Abuse**

In accordance with Utah state law, this policy requires all BYU personnel, volunteers, contractors, and students 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 [Minor] is, or has been, the subject of abuse or neglect, or observe[d] a [Minor] being subjected to conditions or circumstances that would reasonably result in abuse or neglect[.]”<sup>1</sup> A person does not need tangible proof to have a duty to report Abuse under Utah law—a duty arises when there is reason to believe Abuse is occurring or occurred. BYU’s [Office of the General Counsel](#) can answer questions about this reporting obligation, including how to make a report and applicable reporting laws outside of Utah.

Incidents of Sexual Abuse or Sexual Exploitation of a Minor on campus or in a University Program should also be reported to the university’s Title IX coordinator, who ensures that university policies and procedures for investigating these complaints are followed and, if appropriate, disciplinary procedures are initiated.

BYU personnel, volunteers, contractors, and students who have knowledge of and fail to report or to cooperate in an investigation of Abuse may be subject to appropriate disciplinary action up to and including termination of employment and dismissal from the university. The university will seek to preserve the confidentiality of the reporting party, 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 a person who has filed a complaint of Abuse is a violation of this policy, and the retaliating person may be subject to appropriate disciplinary action up to and including termination of employment and dismissal from the university, depending on the circumstances and severity of the retaliation. Encouraging others to retaliate also violates this policy.

### **Campus Guests**

The university discourages the presence of unescorted or unsupervised Minors on campus. Employees, volunteers, contractors, and students who bring a Minor relative, friend, or other guest on campus, including in campus facilities, are responsible for supervising the Minor at all times.

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<sup>1</sup> UTAH CODE ANN. § 62A-4a-403(1)(a) (2021).



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### **Authorized Adult Requirements and Standards**

Only Authorized Adults may oversee, supervise, chaperone, or directly interact with Minors in a University Program or Non-university Program. This requirement does not apply to an Adult guest who is invited to make a short visit to a program (less than eight hours in total), provided the Adult guest has only limited interaction with Minors; is not responsible for overseeing, supervising, or chaperoning Minors; and is under the constant visible supervision of an Authorized Adult.

The following requirements and standards apply to all Authorized Adults, and a person does not qualify as an Authorized Adult until Risk Management and Safety has verified in its Minor Protection Registration System that the person has met the background check and training requirements listed below.

#### ***Criminal-Charge Disclosure and Background Check***

To qualify as an Authorized Adult, a person must fully disclose to BYU during the application process (or to the organization operating a Non-university Program) any conviction, guilty plea (including a plea held in abeyance), or “no contest” plea to any charge for a violation of criminal or military law, other than minor traffic violations. A person must also successfully complete a Background Check. Background Checks for continuing non-student university employees (e.g., faculty, administrative, and staff employees) must be completed every five years. Background Checks for all others seeking qualification as an Authorized Adult (e.g., student employees, short-term university employees, and staff of Non-university Programs) must be completed annually. A person for whom a criminal-charge disclosure or Background Check reveals a criminal conviction or plea is not authorized to participate in University Programs or Non-university Programs without written approval from BYU Employee Relations.

#### ***Training***

To qualify as an Authorized Adult in a University Program, a person must successfully complete the university’s Minor protection online training course within one year before the start of the University Program. To qualify as an Authorized Adult in a Non-university Program, a person must successfully complete the university’s Minor protection online training course, or a course similar in scope and substance that has been approved by Risk Management and Safety, within 60 days before the start of the Non-university Program.

#### ***One-on-One Interaction***

Authorized Adults should avoid One-on-One Interaction. Where avoiding One-on-One Interaction is not feasible, the Authorized Adult should take reasonable precautions to eliminate the risk of improper contact, such as providing a well-illuminated, easily accessible space or room



observable by other Adults, and provide prior written notification to the Authorized Adult's supervisor and the parent/guardian.

### ***Standards of Conduct***

Authorized Adults involved in University Programs must comply with the following standards:

1. [Church Educational System Honor Code](#); and
2. [Standards of Communication with Minors in University Programs](#).

Authorized Adults in both University Programs and Non-university Programs must not engage in any of the following:

1. Abuse, hazing, bullying, or any other form of demeaning or disrespectful behavior, whether by means of direct physical contact, verbal communication, text messages, email, online forums, social networking sites, or any other method;
2. Striking, hitting, administering corporal punishment to, or otherwise touching a Minor in an abusive or illegal manner;
3. Assisting Minors in accessing pornography or making any form of pornography available to them;
4. Sleeping in the same room, tent, or other same-space dwelling as a Minor, unless the Minor is the Authorized Adult's son, daughter, or sibling;
5. Entering areas where the Authorized Adult would be present with a Minor who is showering or bathing except for the purpose of responding to a specific emergency;
6. Transporting a Minor in a personal vehicle unless the Minor is a close relative of the Authorized Adult;
7. Dating a Minor, asking a Minor to keep secrets, or inviting a Minor to the Authorized Adult's home;
8. Consuming, possessing, providing, or displaying tobacco, alcohol, illegal substances, or prescription drugs (unless a parent/guardian has specifically authorized in writing the administration of prescription drugs); and
9. Carrying, using, providing, or displaying firearms or weapons of any kind (unless done in connection with a legitimate activity of the program and specifically authorized by Risk Management and Safety).

### **University Programs**

The organizational unit offering, sponsoring, or operating a University Program is solely responsible for complying with this policy and for any associated expenses.

Prior to operation, a University Program must do the following:

1. Formally appoint a Program Director;



2. Register in the Minor Protection Registration System at least 30 days before the start of the University Program;
3. Provide to Risk Management and Safety the name of each Authorized Adult, verifying that each meets the criminal-charge disclosure, Background Check, and training requirements of this policy prior to the Authorized Adult's involvement in the University Program;
4. Obtain from each Minor an agreement approved by Risk Management and Safety and signed by the Minor and the Minor's parent/guardian covering at least the following:
  - parent/guardian consent for the Minor to participate;
  - commitment from the Minor and parent/guardian to comply with applicable university rules and policies;
  - description of the activities and an assumption of risks;
  - waiver of liability in favor of BYU;
  - authorization for emergency medical treatment if parents/guardians are unavailable;
  - disclosure of any allergies or other medical or physical condition that might impact participation; and
  - image consent;
5. Take reasonable measures to inform Minors and their parents/guardians of the [BYU Privacy Notice](#);
6. Arrange access to emergency medical services and licensed emergency medical transport at all locations during the University Program (Risk Management and Safety may provide information);
7. Establish a procedure for notifying parents/guardians in the event of an emergency, and obtain and keep accessible contact information for parents/guardians, as well as emergency contacts in case parents/guardians are unavailable;
8. Provide information to parents/guardians detailing the manner in which their Minors may be contacted during the University Program;
9. Establish an age-appropriate procedure for the drop-off and pick-up of Minors at the beginning and end of the University Program, as well as check-out procedures during the University Program; and
10. Submit a safety plan to Risk Management and Safety addressing any high-risk activities at least 30 days before the start of the University Program.

During operation, a University Program must:

1. Establish a supervision structure for Authorized Adults overseen by the Program Director;
2. Provide an adequate supervision ratio of Minors to Authorized Adults, taking into account the number and age of the Minors, the activities involved, the type of facilities



used, and the age and experience of Authorized Adults—at a minimum there must be two Authorized Adults providing supervision over a University Program (recommended supervision ratios may be obtained from Risk Management and Safety);

3. Limit transportation of Minors to university-owned vehicles driven by Authorized Adults who have completed applicable training required by the university, or a third-party common carrier retained by the university through an agreement approved by Risk Management and Safety—age-appropriate safety restraints should be used;
4. Comply with procedures applicable to University Programs with online activities;
5. Comply with any other procedures that may be implemented by Risk Management and Safety under this policy;
6. Comply with the [Concussion and Head Injury Policy](#), as applicable; and
7. Take reasonable measures to provide for the physical safety of Minors and comply with any applicable safety plan approved by Risk Management and Safety.

If an organizational unit believes that a requirement of this policy would result in an undue hardship or fundamental alteration of its University Program, it may request an exception through Risk Management and Safety. Such a request should be submitted to Risk Management and Safety at least 30 days before the start of the University Program.

### **Non-university Programs**

A Non-university Program wishing to operate on campus or otherwise use university facilities must first enter into a written agreement approved by Risk Management and Safety requiring the Non-university Programs to do the following:

1. Formally appoint a Program Director;
2. Secure the approval of an organizational unit of the university, evidenced by the approving organizational unit's registration of the Non-university Program in the Minor Protection Registration System at least 90 days before the start of the Non-university Program;
3. Document that each Authorized Adult meets the criminal-charge disclosure, Background Check, and training requirements of this policy and provide such documentation to BYU upon request;
4. Provide an age-appropriate supervision ratio;
5. Adequately supervise Authorized Adults, taking reasonable measures to ensure compliance with and enforcement of the standards of conduct set forth in this policy applicable to Non-university Programs;
6. Obtain from each Minor, and provide to BYU upon request, an agreement approved by Risk Management and Safety and signed by the Minor and the Minor's parent/guardian covering at least the following:
  - parent/guardian consent for the Minor to participate;





- description of the activities and an assumption of risks; and
  - waiver of liability in favor of BYU;
7. Indemnify BYU for any claims arising from the Non-university Program; and
  8. Obtain and maintain insurance coverage as required by Risk Management and Safety.

### **Risk Management and Safety's Role**

In addition to other responsibilities set forth in this policy, the university has designated Risk Management and Safety to perform the following functions in collaboration with and under the direction of the Minor Protection Compliance Committee and the Executive Risk Management and Compliance Committee:

1. Institute and maintain the Minor Protection Registration System;
2. Implement procedures as necessary to carry out this policy;
3. Institute and maintain an [informational website](#) to assist University Programs, Non-university Programs, Minors, and parents/guardians in understanding this policy and its accompanying procedures;
4. Institute and maintain an online training course covering the principles of this policy and related procedures;
5. Provide training and promotional information on this policy and its accompanying procedures; and
6. Audit University Programs and Non-university Programs for compliance with this policy.

Risk Management and Safety, with the approval of the responsible vice president, may cancel at any time a University Program, Non-university Program, or Authorized Educational Visit if it determines that the program or visit is not substantially in compliance with this policy or would otherwise be unsafe for Minors.

A member of Risk Management and Safety serves as the minor protection compliance coordinator for the university and coordinates Risk Management and Safety's responsibilities under this policy.

**APPROVED:** 17 May 2021 [Revised 19 Aug 2022]

**PRIOR VERSION:** 4 Mar 2013

**APPLICABILITY:** This policy applies to all members of the campus community.

**POLICY OWNER:** Academic Vice President, Administration Vice President and CFO, Advancement Vice President, International Vice President, Student Life Vice President



**RESPONSIBLE OFFICE:** Risk Management and Safety

**IMPLEMENTING PROCEDURES:** [Standards of Communication with Minors in University Programs](#)

**RESOURCES:** [Minor Protection Registration System](#), [Minor Protection website](#)

**RELATED POLICIES:**

- [Background Check and Criminal-Charge Disclosure Policy](#)
- [Church Educational System Honor Code](#)
- [Concussion and Head Injury Policy](#)
- [Personnel Conduct Policy](#)
- [Sex Offender Investigation and Review Process](#)
- [Sex Offender Policy](#)
- [Sexual Harassment Grievance Procedures \(Non-Title IX Sexual Violence\)](#)
- [Sexual Harassment Grievance Procedures \(Title IX\)](#)
- [Sexual Harassment Policy](#)