

UPP 4-26: Working with Minors

University Policies & Procedures

Direct all Inquiries to:	Marquette University Risk Management 288-1552
Replaces:	New
Key Terms:	Minors; Background/reference checks; Camps & Clinics; Computer/Internet access; Field trips; waivers and emergency medical treatment; notification of inappropriate conduct/abuse.
Date Effective:	July 1, 2009
Policy Number:	UPP 4-26

WHY DO WE HAVE THIS POLICY:

Safety and respect for all individuals is of vital concern to Marquette University, which hosts or operates more than 50 activities and programs, in addition to its undergraduate and graduate academic programs, in which minors may interact with members of the University community and with community volunteers. The requirements of this policy are intended to provide minors (under the age of 18) and their parents/guardians with rewarding experiences in programs and activities at Marquette University in a safe environment.

WHAT IS THE POLICY:

This policy applies to activities and programs taking place on the Marquette University campus, or under the authority and direction of Marquette University at other locations, in which those under the age of eighteen (18) will be physically present and participating, with the following exceptions: (1) undergraduate and graduate academic programs, and activities of University Ministry, in which enrolled undergraduate students of Marquette University, or of another university participating in such activities or programs, are the only minors participating; (2) clinical treatment programs subject to the Wisconsin Caregiver Law, §§ 50.065 and 146.40, Wis.Stats., and HFS 12 and 13 of the Wisconsin Administrative Code; (3) research programs subject to the review and approval of an Institutional Review Board (IRB) sponsored by Marquette or authorized by Marquette to provide oversight concerning such research programs; and (4) Shadow Visits, Lil' Sibs Weekend, and such other similar, ongoing programs as may be designated from time to time by the Vice President for Administration as exempted from this policy. Athletic camps, debate camps, laboratories and workshops intended for elementary and high school students, and similar activities will fall within the scope of this policy. This policy applies to such programs and activities whether they are limited to daily activities or also involve housing of minors in residence halls.

HOW DO I IMPLEMENT THIS POLICY:

Program Registration

Departmental units shall, prior to the beginning of the fiscal year for ongoing programs and activities and at least sixty days prior to the first scheduled date of participation by minors, inform the Director of Risk Management of the details of the program or activity on forms to be prepared by Risk Management and posted on its Web page. Any requests for clarification as to whether a particular program or activity is subject to this policy, or a request for a waiver to this policy, should also be sent to Risk Management. Information provided shall include, at a minimum, the Marquette person in charge of the activity; the dates and locations where minors will be participating; the general nature of the activities to be undertaken; the names of all adults who will be participating directly with minors in the program or activity; and the administrative requirements associated with the activity, including but not limited to waivers and permission slips to be obtained from the parents/guardians of participating minors and medical emergency forms.

Background checks

A background check will be required of each adult prior to his or her direct participation with minors in a program or activity covered by this policy and at least once every four (4) years thereafter. Such background checks will be conducted by an outside contractor at the request of Risk Management. Background check request forms, including required waivers of liability, will be posted at the Risk Management Web page. It is the responsibility of the person in charge of the program or activity to assure that each participating adult has submitted the required background check request form and has subsequently received clearance to participate. Risk Management will maintain a roster of individuals who have been cleared to participate and the dates on which a new background check will be required.

The background check will be limited to criminal offenses listed in the Offenses List for the Wisconsin Caregiver Law for which an individual has been convicted or are currently pending. A decision not to permit an individual to participate in a program or activity covered by this policy based on the results of a background check will be made by the Vice President for Administration after consultation with the Office of General Counsel. The results of background checks conducted under this policy will be used only for the purposes of this policy, except that Marquette University reserves the right to take appropriate action with respect to employees who may have falsified or failed to disclose information on employment applications uncovered as a result of the background check. Background check reports will be retained in the Office of General Counsel.

Training

Each adult who will be participating with minors in a covered program or activity shall attend mandatory training on the behavioral requirements of this policy, on protecting minors from abusive emotional and physical treatment, and on reporting and notification of incidents of improper behavior. Risk Management shall define the nature of such training and shall arrange for sufficiently frequent training sessions to permit covered programs and activities to continue to function normally.

Behavioral Requirements

Adults participating in programs and activities covered by this policy shall not:

- have one-on-one contact with minors; in general, it is expected that activities where minors are present will involve two or more adult participants.
- participate in a sleepover under the auspices of the program or activity, unless (1) one of the minor's parents is present or (2) one of the minor's parents has given consent and there is at least one other adult, and the two adults remain in each other's presence at all times.
- engage in abusive behavior of any kind toward, or in the presence of, a minor.
- strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner any minor.
- pick up from their homes or drop off minors at their homes in the adult's personal vehicle, whether before, during, or after the program or activity.
- engage in the use of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs, during such programs or activities.
- make pornography in any form available to minors participating in programs and activities covered by this policy nor assist them in any way in gaining access to pornography.

Allegation of Inappropriate Conduct

Adults participating in programs and activities covered by this policy shall:

- immediately report any violation of the Behavioral Requirements of this policy to the person in charge of the program or activity and to the Department of Public Safety, and shall contact law enforcement and emergency responders as may be appropriate under the circumstances.
- assure the safety of minors participating in programs and activities covered by this policy, irrespective of any other limitation or requirement, including removal of minors from dangerous or potentially dangerous situations. In such case, the Department of Public Safety must be notified immediately.
- discontinue any further participation in programs and activities covered by this policy when an allegation of inappropriate conduct has been made against him or her, until such allegation has been satisfactorily resolved.