SUBJECT: MINORS ON CAMPUS AND AT UNIVERSITY-SPONSORED EVENTS

I. PURPOSE:

Southern Utah University (“SUU” or “University”) is committed ensuring the safety and well-being of minors who are involved in our programs, services, or activities, or who visit our campuses. The purpose of this Policy is to describe the obligations that administrators, faculty, staff, students, volunteers, and others working with minors must fulfill to provide for their protection, to fulfill our obligations as mandated by law, and to provide the best possible experience for any minor visiting our campuses or participating in university-related programs.

II. SCOPE:

This Policy provides guidelines that apply broadly to interactions between minors and University students, faculty, staff and volunteers in University-sponsored or co-sponsored programs or activities. This Policy also establishes requirements for non-University organizations and guests that operate programs or activities involving minors on campus and at University facilities. University agreements with such organizations and entities are intended to reflect those requirements and the requirements are incorporated into those agreements by reference. All parties participating in programs involving minors are responsible to understand and comply with this Policy.

Forms and additional information related to this Policy contain requirements and procedures that may be updated from time to time by University administration. These documents and additional information about the implementation of this Policy may be obtained from SUU Risk Management.

III. REFERENCES:

A. The Child Abuse Prevention and Treatment Act (CAPTA) of 1974, reauthorized 2010

B. The Clery Act, 20 USC § 1092(f) and 34 CFR 668.46

C. Family Educational Rights and Privacy Act (FERPA)

D. Title IX of the Education Amendments of 1972

E. Utah Code 62a-4a-101, 402, 403, 408, 411 Utah Mandatory Reporting Requirements

F. Utah Code 76-5-401 Sexual Offenses

G. Utah Code 76-5b-201 Sexual Exploitation Act

H. Utah Code 78A-6-105 Definitions

I. SUU 5.27 Non-Discrimination/Anti-Harassment

J. SUU Policy 5.29 Criminal Background Checks
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K. SUU Policy 5.60 Sexual Misconduct
L. Policy 11.2 Student Conduct Code
M. Guest Services Rental Agreement

IV. DEFINITIONS:

A. **Accompanying Minor**: A Minor child who has been approved by the University to accompany a parent or legal guardian participating in university-authorized travel.

B. **Authorized Adult**: Individuals 18 years of age or older, whether paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee, or have access to, Non-Enrolled Minors in university-sponsored or co-sponsored programs/activities. This includes but is not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, independent contractors/consultants, and on-campus vendors. Authorized adults’ roles may include positions such as counselors, chaperones, coaches, instructors, etc. This definition does not include (a) temporary guest speakers, presenters, and other individuals who have no direct contact with program participants other than short-term activities supervised by an authorized adult, (b) individuals who are 18 years of age or older functioning exclusively in a participant capacity in university-sponsored or co-sponsored programs/activities, such as participants attending an athletic camp, or (c) adults supervising or working with Non-Enrolled Minors in a non-SUU program such as individuals or groups renting or otherwise using university facilities.

C. **Child Abuse**: As further defined by Utah Law, any act or failure to act that results in death, serious physical or emotional harm, or sexual abuse or exploitation of a Minor, or an act or failure to act that presents an imminent risk of serious harm to a Minor.

D. **Direct Contact**: Providing care, supervision, guidance, or control of Minors, and/or routine interaction with Minors.

E. **Enrolled Minor**: An individual younger than 18 years of age who is enrolled or accepted for enrollment at the University or who is concurrently enrolled or dually enrolled in university programs while also enrolled in elementary, middle, or high school.

F. **Legitimate educational interest**: The demonstrated “need to know” by officials
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of an institution who act in students’ educational interest, including faculty, administration, clerical and professional employees, and other persons who manage student record information, including student employees.

G. **Minor:** An individual under the age of 18 years of age that could be an Enrolled Minor or a Non-Enrolled Minor under this policy.

H. **Non-Enrolled Minor:** For the purposes of this policy, an individual younger than 18 years of age who is not enrolled or accepted for enrollment at the University and who is not concurrently enrolled or dually enrolled in university programs while also enrolled in elementary, middle, or high school.

I. **Non-University-Sponsored Programs/Activities:** A program or activity not sponsored by SUU that is held on a University campus or at a university facility with or without an authorized rental agreement.

J. **One-On-One Contact:** Personal, unsupervised interaction between any adult and a Minor participant without at least one other authorized adult, parent, or legal guardian present.

K. **Programs:** For the purpose of this policy, a program, service, or activity specifically designed for Non-Enrolled Minors as the participants that is offered on or off campus by the University or by non-university groups using university facilities. This includes but is not limited to instruction, student activities, workshops, sports camps, academic camps, conferences, pre-enrollment visits, or similar activities. This does not include regularly scheduled university courses, meetings or single performances or events open to the general public that are not targeted toward Minors (such as varsity athletic competitions, plays, concerts, etc.).

L. **Sponsoring unit:** The academic or administrative unit of the University that sponsors a program or gives approval for the use of university facilities.

M. **Statement of Acknowledgement Form:** A form to be completed by all authorized adults assigned to work with Non-Enrolled Minors in university-sponsored or co-sponsored events.

N. **University facilities:** Facilities owned/leased by the University, including, but not limited to, the main campus, the University’s Mountain Center facility in Cedar Canyon, the airport campus and the University’s facility in Loa, Utah.
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O. University-sponsored or co-sponsored program/activity: A program in which university employees are present and participate that is sponsored by the University exclusively or in partnership with an outside organization.

P. Volunteer: An individual who donates his or her services, usually on a part-time basis, for public service, religious, or humanitarian objectives not as an employee and without contemplation of pay or university employee benefits.

V. POLICY STATEMENTS:

A. SUU complies with all applicable federal, state, and local laws concerning the protection of Minors in university-sponsored and co-sponsored programs. In addition to this policy, some of these programs (such as daycare) may be subject to stricter state and federal laws and regulations. In these instances, those stricter laws prevail.

B. This policy applies to all members of the university community, including all university employees, interns, and students, and also to all volunteers, contractors, vendors, authorized adults, Minors, and other individuals who use university facilities. The University requires all such persons to adhere to and act in accordance with this policy.

C. Failure to comply with the requirements set forth in this policy may lead to disciplinary action and/or revocation of permission to use university premises. University employees who fail to comply with this policy will be subject to discipline, up to and including termination of employment. Non-Minor students who fail to comply with this policy will be subject to university sanction, up to and including suspension and expulsion. Minors who violate this policy will be subject to sanction, up to and including removal from a program or the University. Programs that fail to comply with this policy will be subject to sanction, up to and including suspension of the program.

D. In keeping with the University’s commitment to the protection of Minors, and in compliance with applicable laws, any employee, student, or volunteer of the University who witnesses or has reasonable cause to suspect any abuse of a Minor occurring on a university campus, at university facilities, or during university-sponsored programs/activities is required to report such conduct to SUU Police immediately or other law enforcement agencies as applicable.

E. This policy does not replace any additional requirements for reporting child abuse
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or neglect pursuant to state or federal statutory reporting requirements or to otherwise comply with SUU Policy 5.60 Sexual Misconduct and the Jeanne Clery Act of 1990.

F. The University requires that all program directors and other leaders of any university-sponsored or co-sponsored program who brings Non-Enrolled Minors onto a university campus or to university facilities:

1. Complete the University’s mandatory training acknowledging the need to comply with this policy and provide appropriate training in supervising Non-Enrolled Minors to its authorized adults; and

2. Have an adequate number of authorized adults supervising Non-Enrolled Minor program participants for the type of activity sponsored. Some of the factors to consider in determining “adequate number” are the number and age of participants, the activity(ies) involved, the type of housing if applicable, and the age and experience of the authorized adults.

G. University faculty, staff, students, or volunteers serving as authorized adults shall complete mandatory training at least every two years on the conduct requirements of this policy, including as set forth in sections VI.B. and VI.C.

H. All Non-Enrolled Minors who are on a university campus or in university facilities, whether as visitors, or university program/activity participants, are permitted in the general-use facilities (athletic fields, public spaces, academic buildings, food services areas, etc.) but may be prohibited from entering certain areas or using certain equipment on a university campus to avoid potentially dangerous situations or inappropriate one-on-one contact with adults.

I. Accompanying Non-Enrolled Minors on university-authorized domestic or international travel must comply with the University Authorized International Travel Policy 5.30 and University Travel Policy 10.13.

VI. PROCEDURE

A. Background Checks and Statement of Acknowledgement

1. Entities leasing or renting university facilities shall, in the University’s facilities use agreement, review and sign statements that acknowledge their responsibility and liability for the protection of Non-Enrolled Minors
they supervise in their programs.

2. Authorized adults assigned to work with Non-Enrolled Minors in university-sponsored or co-sponsored programs, must sign and submit a Statement of Acknowledgement Form to the appropriate university program director before their interaction with Non-Enrolled Minors begins. The program director is responsible for obtaining these signed forms and for maintaining and archiving them for five years.

3. All authorized adults assigned to work with Non-Enrolled Minors in university-sponsored or co-sponsored programs, whether they are SUU employees or volunteers, must undergo a Utah Bureau of Criminal Investigation (BCI) background check, as further specified by SUU Risk Management, that will be reviewed and approved by Human Resources prior to individuals being hired and/or assigned to work with Non-Enrolled Minors.
   a. Individuals required to be background checked who have not lived in the State of Utah for five consecutive years must have both a BCI and a Federal Bureau of Investigation (FBI) background check.

4. Based on the results of a background check, the Director of Human Resources, or his or her designee shall, in consultation with the University Counsel as needed, determine whether or not a university employee or volunteer will be permitted to participate in a program or activity covered by this policy. Results of background checks conducted under this policy shall be used only for the purpose of this policy. The University reserves the right to take appropriate disciplinary action, up to and including termination, in accordance with university policy, for employees who may have previously falsified or failed to disclose information. Copies of background check reports will be retained by Human Resources.

5. Each authorized adult shall self-report to the program director if, prior to or during the course of the authorized adult’s service to the program, the authorized adult has any criminal charge pending, is arrested, criminally charged, or convicted for any offense involving child abuse or neglect, sexual offenses, sexual exploitation, domestic violence, and/or other acts of violence, or has been served with a protective order, a restraining order, or a stalking injunction. The report must be made prior to beginning
service in the program or within 72 hours of the arrest, charge, or notification of pending charge.

6. Individuals required to be background checked that have a break in service for less than 12 months must disclose any convictions that occurred during the break within three business days of commencement of participation in activities and programs with Non-Enrolled Minors. If a break in service is longer than 12 months, individuals required to be background checked must have a new BCI and/or FBI background check before working in activities and programs with Non-Enrolled Minors.

7. A BCI background check must be completed every four years to remain eligible to work in activities and programs with Non-Enrolled Minors.

8. Individuals who work in covered Programs but do not have Direct Contact with Non-Enrolled Minors as defined by this policy and who have not undergone a background check may be allowed to work in a covered Program under the following circumstances:
   a. Non-background check individuals must work in public places and never be left alone with Non-Enrolled Minors.
   b. Authorized Adults with current background checks must have visual supervision of individuals who have not received a background check.
   c. Programs must compile the names and addresses of non-background checked individuals and any roommates that occupy living quarters where Non-Enrolled Minors may be spending the night prior to the event and provide the list to Risk Management so a check may be run against the National Sex Offender Registry.
   d. Non-background check individuals must present photo identification to be checked at the event. Acceptable forms include a driver’s license, passport, or SUU issued identification card.
   e. Non-background checked individuals must complete the required training and sign the Statement of Acknowledgement Form.

B. Mandatory Training for Authorized Adults
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1. Training for university faculty, staff, students, and volunteers serving as authorized adults in university-sponsored or co-sponsored programs shall include the following:
   
   a. Information about responsibilities, expectations, policies/procedures, enforcement, appropriate crisis/emergency responses, safety and security precautions, confidentiality issues involving Minors, and basic university responsibility/liability;
   
   b. Instruction on accessing emergency services on and off campus;
   
   c. Instruction on mandatory reporting requirements if a program participant discloses any type of assault or abuse (at any time previously or during the program), or if an authorized adult has reason to suspect that the participant has been subject to such assault or abuse; and
   
   d. Instruction on the prevention of abuse and recognizing signs of abuse.

2. Training of university employees shall be provided in coordination with the University’s Office of Human Resources and Risk Management.

C. Rules of Conduct for Authorized Adults

1. While participating in programs covered by this policy, authorized adults shall not:

   a. Have one-on-one contact with Non-Enrolled Minors.

   b. Have any direct electronic contact with Non-Enrolled Minors, including via email, text message, social networking websites, or other forms of social media, at any time except and unless:

      i. There is an educational or programmatic purpose for the contact, and

      ii. The content of the communications is consistent with the mission of the program and the University.

      iii. For concerns about whether the electronic communication
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meets both of these criteria, the dean or vice president over the program should be consulted.

c. Engage in abusive conduct of any kind toward, or in the presence of, a Minor;

d. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner, any Minor. If restraint is necessary to protect a Minor from self-harm or to protect others from harm, all incidents must be documented and disclosed to the program director and the Minor’s parent/guardian.

e. Transport Non-Enrolled Minors, other than the driver’s own child(ren), to or from university-sponsored activities, except as specifically authorized in writing by the Non-Enrolled Minors’ parents or legal guardians and then only if the authorized adult is not alone in the vehicle with one Minor;

f. Engage in rough or sexually provocative games, including horseplay with, or in the presence of, any Minor;

g. Allow inappropriate touching or other forms of misconduct prohibited by the University, including between Minors;

h. Use vulgar or sexually based language, use or respond to sexual innuendo, or make sexually suggestive comments towards, or in the presence, of any Minor;

i. Personally consume or provide alcohol or illegal drugs to any Minor. Authorized adults shall not use or provide prescription drugs or any medication to any Minor unless specifically authorized in writing by the parent or legal guardian.

j. Make sexual material (except for course-appropriate biology/anatomy material needed for the program) in any form, including printed and electronic, available to Minors participating in programs covered by this policy, or assist them in any way in gaining access to such materials (simply providing internet access does not constitute assistance);
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k. Shower, bathe, or undress with, or in the presence of, any Non-Enrolled Minors;

l. Tell Non-Enrolled Minors “this is just between the two of us” or use similar language that encourages Non-Enrolled Minors to keep secrets from their parent or legal guardian, or;

m. Leave Non-Enrolled Minors under the supervision of a person who is not an authorized adult-for example, with a guest presenter, during a field trip, with a roommate, etc.

2. All incidents involving inappropriate conduct, whether or not required by law or other university policy to protect a Minor or others from harm, must be documented and disclosed promptly to the program director and the Minor’s parent/guardian.

3. If an allegation of inappropriate conduct is made against an authorized adult participating in a program, he or she will discontinue any further participation in programs and activities covered by this policy until such allegation has been appropriately investigated and resolved.

D. Requirements for Supervising Adults in Non-SUU Programs

1. Non-SUU organizations, vendors, licensees or others who are authorized to come onto a university campus or to use university facilities for events, programs, or activities that will include participation of Minors shall ensure that they provide training on and have proper procedures in place on how to properly supervise Minors and to report abuse of a Minor.

E. Reporting of Abuse and Code of Conduct Violations for Authorized Adults

1. Utah state law includes a mandatory reporting obligation that requires any person who “has reason to believe” that Minor has been subjected to abuse or neglect, including sexual abuse, to immediately notify the Utah State Office of Child and Family Services or a law enforcement agency (Utah Code Ann. 62A-4a-403).

2. Reports of alleged child abuse shall be made to SUU Police or other law enforcement agencies as applicable. Such reports should include the name of the victim and assailant (if known). Other identifying information about
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the victim and assailant, the location of the incident, and the nature of the incident. Along with initiating investigatory procedures, SUU Police shall notify the University Counsel of the report. The University Counsel shall update the President and the Board of Trustees through periodic reporting and as needed.

F. Communication and Notification

1. To report misconduct of any type or to prevent imminent danger, the following numbers should be called to reach SUU Police:
   a. From a campus telephone (435-586-7793)
   b. From a cell phone: (435-586-1911)
   c. From any phone: 911 (police emergency number)

2. A third-party telephone hotline and website have been established to allow anyone to report misconduct anonymously. The telephone hotline is available throughout the work week during office hours at (844) 887-5973 (do not use for emergencies). After hours a message can be left and follow-up will occur on the next business day. Alternatively, reports can be made online anonymously and confidentiality via EthicsPoint, the University’s 24-hour hotline provider, which can be found at [www.suu.ethicspoint.com].

3. In case of an emergency, including medical or behavioral problems, natural disaster, or other significant disruptions, the University’s sponsoring unit/program shall:
   a. Establish an appropriate procedure for the notification of the Non-Enrolled Minors’ parents or legal guardians.
   b. Maintain a list of all participants, which shall include each participant’s name, gender, age, address, and phone number(s) of parents or legal guardians as well as emergency contact information.
   c. Provide information to parents or legal guardians detailing the manner in which the participant can be contacted during the program.
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G. Medical Treatment, Administration of Medicines, and Emergency Services

1. The sponsoring unit/program will obtain a university Medical Information and Release Form for each program participant if applicable. Program staff shall be responsible for reviewing all forms, securing the information on the forms, and for assessing needs of each program participant. The Medical Information and Release Form can be obtained from SUU Risk Management.

2. Parents and/or guardians (legal or otherwise) are expected to make arrangements with program leadership for the administration of any medicine that the participant cannot self-administer. The participant’s parents and/or guardians will 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 the manufacturer’s container.

3. As needed, the program staff will keep medicine in a secure location and will meet with the participant at the appropriate time for administration.

4. Prescription medications that are self-administered may be carried by the participant during program activities (examples include but are not limited to personal “epi” pens and asthma inhalers). Program participants are prohibited from distributing any self-administered prescriptions they carry to any other program participant.

5. Program staff should make reasonable efforts to have basic first-aid kits available as needed.

6. The sponsoring unit will arrange for medical care, including emergency medical services, appropriate for the nature of program activities.

7. The sponsoring unit will notify SUU Police, EMS, and parents or legal guardians if emergency medical services are required.

H. Program Rules for Conduct for Participants

1. Program staff will develop and make available to participants the rules and disciplinary measures applicable to the program. These rules align with the University’s Conduct codes. The following must be included in the
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program’s rules:

a. Possession or use of alcohol and other drugs, fireworks, guns, and other weapons is prohibited;

b. The operation of a motor vehicle by Non-Enrolled Minors is prohibited while Non-Enrolled Minors are attending and participating in the program;

c. Rules and procedures governing when and under what circumstances participants may leave university property during the program;

d. Theft of property regardless of owner will not be tolerated;

e. Use of tobacco or e-cigarette products is prohibited on university property or while participating in the program;

f. Misuse or damage of university property is prohibited. Costs resulting from damage or misuse of university property will be assessed against the group sponsor and/or those participants who are responsible for the damage or misuse; and

g. The inappropriate use of camera, imaging, digital, and/or other recording devices is prohibited, including use of such devices in showers, restrooms, or other areas where privacy is reasonably expected by participants.

2. Program participants and authorized adults must abide by all program and university regulations and may be removed from the program for non-compliance with program and/or university policies and rules.

I. Informed Consent in Programs by Participants/Legal Guardians

1. Authorized adults will obtain signed university Media, photo, and Video Release forms, Medical Forms, and/or Informed Consent Forms from participants as part of the program registration process. These forms may be obtained from the sponsoring unit/program. All data gathered shall be confidential, is subject to records retention guidelines, and will not be disclosed, except as required by law.
J. Employees Bringing Non-Enrolled Minors to the Workplace

1. To reduce the potential for accidents and incidents in which Non-Enrolled Minors either harm themselves or inadvertently create a hazard for others, the University addresses and complies with all applicable health, safety, environmental regulations and laws.

2. Employees may not bring their Non-Enrolled Minor children to work with them on a regular basis except as provided below. With advance approval from supervisors and only on an exceptional basis, and if the visit does not violate the requirements of section VI.J.4 below, university employees may, for example, bring their Non-Enrolled Minor child(ren) to work for a limited period of time or in an emergency situation or as part of a job shadowing program. When employees bring Non-Enrolled Minors to the workplace, the University is not responsible for ensuring the Non-Enrolled Minor is safe and well supervised. The employee is fully responsible for the safety and supervision of the Non-Enrolled Minor for the entire visit. Specifically, employees who bring a Non-Enrolled Minor to work must ensure the Non-Enrolled Minor will not interrupt normal workplace activities.

3. Supervisors and department heads may place additional restrictions on the presence of Non-Enrolled Minors in the workplace consistent with the environment and the demands of the work being performed.

4. Non-Enrolled Minor children of employees shall not be allowed to:
   a. Perform work of any kind at any time, as prohibited by the US Department of Labor;
   b. Drive university-owned motorized vehicles, including golf carts;
   c. Violate any university policies; and
   d. Be present in the following high-risk areas;
      i. Laboratories, workshops, studios, power plants, garages, and food preparation areas
      ii. Any area indoors or out, containing power tools or machinery with exposed moving parts
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iii. Any area where university vehicles, such as snow machinery, grounds equipment, heavy-duty, or other motorized equipment, are being used

iv. Any other high-risk area, including but not limited to rooftops and construction zones.

5. In the unlikely event that a visiting Non-Enrolled Minor becomes lost on campus, the host-employee should contact SUU Police at (435) 586-1911 or 911 for assistance in locating the Non-Enrolled Minor.

6. Nothing in this policy interferes with the right of employees who are nursing mothers to take breaks to nurse their child or express milk for up to one year after the birth of the child, consistent with the Fair Labor Standards Act (FLSA) and Utah law. For additional information, employees and supervisors should contact the Human Resources Office.

K. Enrolled Students Bringing Non-Enrolled Minors to the Classroom

1. Non-Enrolled Minors of enrolled students are not permitted in university classrooms, laboratories, or tutoring and testing centers unless they are an integral part of instruction. Under extraordinary, extenuating circumstances, faculty may grant permission for enrolled students to bring children into the classroom.

2. Instructors have the right to ask students who bring Non-Enrolled Minors into university classrooms, laboratories, or tutoring and testing centers to leave. Students who violate this policy are subject to discipline per SUU Policy 11.2 Student Conduct Code.

3. Enrolled students who bring Non-Enrolled Minors to campus shall not leave Non-Enrolled Minors unattended in hallways or restrooms or in public common areas. Enrolled students who bring Non-Enrolled Minors to campus are fully responsible for the safety and supervision of such Non-Enrolled Minors while on campus. If an unsupervised Non-Enrolled Minor comes to the attention of university personnel or students, SUU Police may be contacted.

4. Parents/guardians are responsible for their Non-Enrolled Minors’ safety and behavior in the library, including study rooms. Non-Enrolled Minors
should be supervised at all times. Library staff cannot oversee unescorted or unsupervised Non-Enrolled Minors, nor be responsible for their safety. If an unsupervised Non-Enrolled Minor comes to the attention of library personnel, SUU Police will be contacted.

L. Enrolled Minor Students

1. This section describes the obligations of faculty, staff, and others in working with Enrolled Minors to provide for the Enrolled Minors’ protection, to fulfill the University’s obligations as mandated by law, and to provide the best possible educational experience for all Enrolled Minors.

2. To provide a safe and secure environment for Enrolled Minors, the following student information may be provided to faculty and staff who have a legitimate need-to-know:
   a. Student Name
   b. Date of Birth
   c. Enrollment status (e.g., undergraduate or graduate, full-time or part-time)

3. This information about Enrolled Minors may be disclosed to faculty, staff, or other university employees who will have a legitimate educational interest in the Enrolled Minors because they have significant interaction with the Enrolled Minor and need to be able to identify the student as an Enrolled Minor.

4. Faculty members who are notified or become aware that they have Enrolled Minors in the classes and organizations they supervise or advise are expected to comply with all applicable laws and university policies and exercise sound professional judgement in their interactions with Enrolled Minors.

5. In keeping with the University’s commitment to the protection of Minors, and in compliance with applicable state and federal laws, any faculty, staff, or other employee of SUU who witnesses or has reasonable cause to suspect any abuse (as defined in SUU Policy 5.60 Sexual Misconduct) of
an Enrolled Minor occurring on a university campus, at university facilities, or during university-sponsored programs, activities, or courses is required to immediately report such a conduct to SUU Police or other law enforcement agencies as applicable.