

# **COMMUNITY BASED LEARNING**

Risk Management guidance for  
University of Notre Dame Faculty and Staff  
developing and teaching  
Community Based Courses

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# **COMMUNITY BASED LEARNING**

## Risk Management guidance for University of Notre Dame Faculty and Staff developing and teaching Community Based Courses

### **INTRODUCTION**

Community based programs offer University of Notre Dame students an opportunity to expand their knowledge base, develop their skill level and serve the community outside the boundaries of a conventional learning environment. Whether local or international in scope, community based programs share a risk profile that includes issues ranging from the protection of children to personal health and safety.

This guide was developed to address the signature risks of community based programs and assist faculty and staff in the areas of risk management and safety.

### **STATEMENT OF RESPONSIBILITY; WAIVER, RELEASE AND INDEMNIFICATION AGREEMENT**

Students participating in community based programs ("Programs") *and* receiving academic course credit are not required to sign a waiver, release and indemnification agreement.

Students traveling or participating *voluntarily* for these Programs should sign a waiver, release and indemnification agreement. This policy applies whether or not a student is receiving a grant or stipend for travel. The waiver may be obtained by contacting the Risk Management and Safety Department at 574.531.5037.

Student travel or participation in Programs outside the U.S. will require approval through ND International ([international.nd.edu](http://international.nd.edu)) and the execution of a Statement of Responsibility and Waiver Agreement prepared by the University's Office of General Counsel.

Questions concerning the Statement of Responsibility and Waiver, Release and Indemnification Agreements may be directed to the Notre Dame International Office at 574.631.1138.

### **CONTRACTS RECEIVED FROM COMMUNITY BASED OR OTHER THIRD PARTY ORGANIZATIONS**

Faculty and staff are not authorized to sign contracts on behalf of the University. If a contract is required by a community agency or for the use or rental of a facility or the provision of services, the contract must be reviewed and approved by the Office of General Counsel. The Office of General Counsel may be reached at 574.631.6411.

## **TRANSPORTATION**

Methods of domestic travel to community agencies vary depending on the circumstances of the trip. The safety of students during travel is paramount to the University:

- *University of Notre Dame Transportation Services*
  - The University's Transportation Services maintains a fleet of vehicles for domestic travel use. These vehicles, which are professionally serviced and maintained, are available to faculty, staff and students for a reasonable daily rate. Transportation Services will also assist with the rental of vehicles from outside vendors should additional vehicles be necessary.
  - The person (or persons) assigned to drive a University owned vehicle will be required to go through a brief defensive driving course. In addition, a motor vehicle record check will be completed. Once the course has been completed and the driving record is reviewed, a decision will be made regarding the individual's ability to drive on behalf of the University.
  - Transportation Services can be reached at 574.631.6467.
- *The Center for Social Concerns*
  - The Center maintains six vehicles for travel to volunteer sites within St. Joseph County. These vehicles, which are professionally serviced and maintained, are available to faculty, staff and students unable to reach a site by Transpo, walking, by bicycle (during daylight hours), or personal car and may be scheduled for use through the Center at no charge. Drivers and passengers are required to read the Policies and Procedures found on the CSC website before contacting the center to request a vehicle.  
[http://socialconcerns.nd.edu/about/documents/CSCVehicleRentals\\_Policies\\_andProcedures2013-14\\_000.pdf](http://socialconcerns.nd.edu/about/documents/CSCVehicleRentals_Policies_andProcedures2013-14_000.pdf)
  - The Center's vehicle coordinator can be reached at 574.631.5293 or at [cscvans@nd.edu](mailto:cscvans@nd.edu)
- *Walking*
  - Students may choose to walk to the Program site. If this is a possibility due to the proximity of the location to campus, students should be aware of safety issues including geographical area, weather and time of day.
- *Biking*
  - Students may choose to bike to the Program site. If this is a possibility due to the proximity of the location to campus, students should be aware of safety issues including geographical area, weather and time of day.

- *Air Travel*
  - All air travel should be arranged through Procurement Services and TravelIND or Anthony Travel in order to insure compliance with University policy and procedure.
  
- *Commercial Bus Carrier*
  - The Risk Management and Safety Department maintains a list of approved bus carriers. This list can be obtained by contacting the Department at 574.631.5037.
  - Commercial bus companies may be added to the approved list of carriers. The Risk Management and Safety Department requires an executed contract and certificate of insurance from all carriers. Contact 574.631.5037 for information regarding this process.
  - Independent school bus carriers cannot be approved as bus carriers and should not be used.
  
- *South Shore Railroad or Commuter Trains*
  - Commercial train travel is an acceptable means of transportation.
  
- *Rental Vehicles*
  - All vehicle rentals, aside from those arranged through the Center for Social Concerns or Transportation Services, should be made through Procurement Services and TravelIND or Anthony Travel in order to comply with University policy and procedure.
  
- *Faculty or Staff Personal Vehicles*
  - Personal vehicles are acceptable forms of transportation. In accordance with the University's travel policy, faculty and staff are permitted a mileage allowance for travel on behalf of the University. In addition to fuel and maintenance cost, the allowance encompasses the cost of insurance. Therefore, the faculty or staff member's personal vehicle insurance must provide primary liability coverage in the event of an accident or incident, regardless of who was driving at the time of the occurrence. Further, insurance coverage should be maintained for physical damage to the vehicle. The University does not provide insurance coverage for damage, loss or theft of any personal vehicle.

- *Student Vehicles*
  - In certain instances, the only transportation option available is the use of a student vehicle. It is the vehicle owner's responsibility to provide primary third party liability and physical damage (loss, damage or theft of vehicle) insurance for the vehicle.
  - Students who transport other students should do so voluntarily; there are legal and insurance ramifications involved.
  - It is recommended that student drivers attend the brief defensive driving course offered by Transportation Services before they transport other students.
  
- *Fifteen Passenger Vans*
  - Fifteen passenger vans are not an acceptable form of transportation. This policy applies to non-owned, rented, leased or borrowed fifteen passenger vans. Further, it applies whether seats have been removed or the interior reconfigured.

Faculty, staff and student drivers are subject to the driving policy of the University (Exhibits A & B).

### **TRANSPORTATION OF MINOR CHILDREN**

Students should not transport minor children except under extraordinary circumstances. In cases where this is unavoidable, the faculty member responsible for the program should:

- Have a waiver, release and indemnification agreement signed by a parent or legal guardian prior to the transportation of the minor child. This form may be received by contacting Risk Management and Safety at 574.631.5037;
- Arrange for the child to be picked up and returned to a school or community center which is staffed with responsible adults at the appointed times;
- If a school or community center is not feasible, make arrangements with a parent or legal guardian to be home during the time of pick up and drop off. An authorized individual must be at home in order to leave a child at that home and there should be an optional plan in case no one is there;
- Arrange for at least two students to be in the vehicle when transporting minor children.

**COMPLIANCE REQUIREMENTS;**

**BACKGROUND CHECKS/MOTOR VEHICLE RECORD CHECKS/FINGERPRINTING/TB Test**

The University should comply with any background, motor vehicle record check, finger printing or other compliance requirement as stipulated by the community agency. If the community agency requests that the University manage a compliance requirement, faculty or staff may contact the Office of Human Resources for assistance.

**HEALTH AND MEDICAL INFORMATION**

During the course of a Community Based Program, faculty or staff may gain information regarding the health or medical status of a student. Medical patients and patient medical information is protected under the federal Health Insurance Portability and Accountability Act (HIPPA). Medical information should remain confidential and passed on only to those persons with a "need to know"; any questions regarding HIPPA may be directed to the Office of General Counsel at 574.631.6411.

**EMERGENCY SITUATIONS**

There are numerous circumstances that may necessitate the need for an emergency response on the part of faculty or staff responsible for undergraduate students. Such emergencies include, but are not limited to, physical injury, fatality, kidnapping, missing person, robbery, harassment or sexual assault. Regardless of the circumstances of the emergency, a prompt, prudent and appropriate response is imperative for the safety and security of all University of Notre Dame constituents.

In response to an emergency:

- Tend to the needs of the affected party. The health and safety of students, faculty and staff are the highest priority.
- Take reasonable and prudent measures to help reduce the risk of foreseeable harm.
- Obtain as much information as you can regarding the situation. Exercise caution and restraint with respect to when and with whom information is to be shared.
- Maintain a written log of the basic circumstances of the incident, any consultation with law enforcement or medical providers and list outcomes of these discussions. Limit the information and your observation to facts, rather than opinion or speculation.
- Contact and apprise the department chair, administrator or advisor at Notre Dame of the situation as soon as practical. Contact information: \_\_\_\_\_
- If the course is sponsored by the Center for Social Concerns, contact the Center as soon as practical. Contact information: \_\_\_\_\_

- Contact the Notre Dame Security/Police at 574.631.5555 to inform them of the incident.
- Contact the Risk Management and Safety Department at 574.631.5037 to notify them of the incident.
- Do not contact parents unless authorized by Notre Dame executive staff.

### **BLOOD BORNE PATHOGEN TRAINING**

Blood borne pathogen training is available for students through the Risk Management and Safety Department. Training needs should be planned in advance and arranged via on-line registration at: <http://riskmanagement.nd.edu/training/>

### **PRIVATE HOMES OF FACULTY OR STAFF: ACADEMIC OR SOCIAL PURPOSE**

Depending on the circumstances, faculty or staff hosting student gatherings in private homes accept full responsibility and liability for illness and injury, regardless of academic or social purpose. This includes, but is not limited to, students becoming ill, suffering from food poisoning, hurting themselves, injuring others or damaging property. You should determine, with your homeowner's insurance company, if such incidents and accidents are afforded coverage. Your personal assets may be at risk if you do not carry the appropriate insurance coverage. The University will not provide defense nor reimburse faculty or staff for any legal expenses or damages determined to be their responsibility. This policy applies regardless if the University is providing funding or reimbursement for food or beverages.

### **PRIVATE HOMES OF CLIENTS**

Faculty and staff should avoid sending students into private homes to provide services on behalf of community based programs whenever possible. In many cases, services can be made available at the community agency site, a local school or a community center.

If service in a private home is unavoidable, students should be advised, in advance, of the home visit requirement.



## **THE PROTECTION OF CHILDREN**

The University of Notre Dame is committed to promoting the safety and wellbeing of children in its care. The Protection of Children Policy was adopted to reaffirm this commitment and to provide criteria for those involved with children and children's programming.

Faculty, staff and students who are present in a community agency or participating in agency sponsored activities or events where children are present must:

- 1) Align their behavior, at all times, with the University's core values (Exhibit G) and the behavioral expectations (Exhibit H) for interacting with children. Adults must be positive role models for children, and act in a caring, honest, respectful and responsible manner.
- 2) Understand how and when to report suspected abuse or inappropriate behavior:
  - a. 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).
  - b. If the child is at a community agency, the agency director or supervisor should be notified immediately. The community agency should have policy in place for immediate contact with local child protection service or the local law enforcement agency.

Faculty, staff or students who manage programs involving children that fall under the sponsorship, direction, or control of the University must follow the criteria outlined in the Protection of Children Policy. The Policy website, found at <http://protectionofchildren.nd.edu/>, addresses the procedures and protocol required to fulfill the criteria.

## **ALCOHOL USE**

The use or furnishing of alcohol by faculty and staff is addressed under the Drug and Alcohol Guidelines approved by the Academic Council and clarified by the Office of General Counsel. These guideline and clarification documents (Exhibits C, D, E, F) outline the use of alcohol by faculty (and staff) in their relationships with students.

Students are responsible for complying with the alcohol policy outlined in "du lac – A Guide to Student Life" The student policy states that all persons under the age of 21 are considered underage in the State of Indiana and are not allowed to consume alcohol. Further, students are not permitted to furnish alcohol to any person who is underage.

"du lac" further states that intoxication by any student, regardless of age, whether in public or in private, is prohibited at all times.

## **SEXUAL HARASSMENT**

Sexual harassment is defined as any subtle or unsubtle persistent unwanted sexual language or behavior. Any person who is offended or affected by such behavior is considered a victim. Sexual harassment is illegal. A student who believes they have been sexually harassed at a community agency or during a program should report the information immediately to their supervisor at the agency *and* the University faculty or staff advisor. University faculty or staff, in turn, should immediately contact the University's Office of General Counsel at 574.631.6411.

## **CONFIDENTIALITY**

Students immersed in community based programs may have access to confidential business information and personal information about volunteers, employees and agency clients. This information should not be used, shared or accessed without proper authorization. Once authorized, information obtained should only be used in carrying out the academic or service mission of the program. Violation of this policy may lead to dismissal of the student from the program in compliance with the University's Academic Code and further sanctions or penalties from the community agency.

Students coming in contact with medical patients or patient medical information should be advised of the federal Health Insurance Portability and Accountability Act (HIPPA). Patient medical records are legally protected and failure to comply with HIPPA requirements may result in personal, civil and criminal penalties levied by the U. S. Department of Health and Human Services, in addition to University and community agency sanctions.

## **STUDENT PERSONAL PROPERTY**

The University does not provide personal property insurance for students, whether they are on personal or University business, on or off campus. Student personal property insurance is available by contacting the Haylor, Freyer & Coon Insurance Agency, 866.535.0456 or by visiting their website at: [www.haylor-college.com/pp](http://www.haylor-college.com/pp)

## **STUDENT LIABILITY**

Students accept responsibility for personal liability arising out of their participation in community based programs, regardless of academic or social purpose. The University will not provide defense nor reimburse students for any legal expenses or damages determined to be their responsibility.

Student liability insurance is available by contacting the Haylor, Freyer & Coon Insurance Agency, 866.535.0456 or by visiting their website at: [www.haylor-college.com/pp](http://www.haylor-college.com/pp)

## **FACULTY AND STAFF RESPONSIBILITY**

Faculty and staff developing, administering or managing community based programs under the scope of their authority on behalf of the University, and following the policies and protocol of the University, are afforded protection in the event of a cause of action.

## **STUDENT RIGHTS**

Students placed in community based programs have a right to:

- Receive an orientation of the agency, its facilities and its mission
- Receive training, supervision and guidance
- Information regarding the need for background checks, motor vehicle records, fingerprinting and/or a tuberculosis test
- Confidentiality of personal information and the results of background checks, motor vehicle records, fingerprinting and/or a tuberculosis test
- Receive documentation of service hours
- Say "no" if they feel uncomfortable or unsafe
- A positive experience

## **STUDENT RESPONSIBILITIES**

Students placed in community based or service learning programs have a responsibility to:

- Participate in all training required by the learning site
- Abide by the learning site's rules and standards of conduct
- Participate with enthusiasm
- Be honest with an agency regarding their skills and abilities
- Complete all assigned tasks and responsibilities in a timely and efficient manner
- Maintain flexibility with respect to time and task
- Follow the policies outlined in "du lac – A Guide to Student Life"
- Represent the highest standards of the University of Notre Dame

**COMMUNITY BASED PROGRAMS  
RISK MANAGEMENT GUIDE FOR A STRONG PARTNERSHIP**

1. Determine what learning or service objectives can be achieved by developing a community based program
2. Discuss the student requirements for participation in the program:
  - a. Academic background
  - b. Required skillset
  - c. Specialized training such as blood borne pathogen or allied health
3. Collaborate to develop a learning plan
4. Review any background checks, fingerprinting, motor vehicle record checks or TB screening that will be required of students
5. Discuss the logistics of the program:
  - a. How will students be transported to the learning site
  - b. How many hours of work will be required by students
  - c. What are the hours the learning site is open
6. Determine if students will be required to sign any paperwork on behalf of the learning site:
  - a. Contracts
  - b. Waivers or releases
7. Ascertain if students will be asked to use personal, agency or University vehicles to:
  - a. Transport other students
  - b. Transport employees or volunteers
  - c. Transport clients (including elderly, handicapped or minor children)
8. Establish if students will be asked to work in private homes
9. Discuss any off-site requirements for the program
10. Clarify the criteria upon which a student will be evaluated and determine who will be responsible for the evaluation
11. Establish the consequences for students not meeting expectations
12. Form an on-site orientation program for students

**COMMUNITY BASED PROGRAMS  
PARTNERSHIP APPLICATION**

This form is to be completed by the University faculty or staff member designing the community based program.

Community Agency: \_\_\_\_\_ Website: \_\_\_\_\_

Contact: \_\_\_\_\_ Title: \_\_\_\_\_

Contact Email: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Community Agency Address: \_\_\_\_\_

Discuss the student learning objectives of the course:

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Discuss the service objectives of the course:

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Determine if students will need any specialized training, background check, driving record check, TB test or certifications in order to be placed in the course:

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Discuss the logistics of the course; how many students, transportation and hours:

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Who will supervise the students while at the community agency; name, title, email and phone:

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Will the University or the student need to supply any equipment, materials or tools for the course? If so, how will these costs be covered?

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Will students ever drive their personal vehicle, or agency vehicle, on behalf of the community agency? If so, please provide details:

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Will students be required to sign any official forms provided by the community agency?

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Will students ever work unsupervised with clients?

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Will students ever work in a private home?

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Will students receive an orientation on site? If so, please attach a copy of the agenda:

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**UNIVERSITY OF NOTRE DAME  
ORIENTATION CHECKLIST**

- Mission of the Community Agency
- Who are the clients of the Community Agency?
- What programs/services does the Community Agency offer?
- Specific University policies and procedures related to the service placement
- Review any proof of eligibility, background checks, etc. that may be required. Who will cover the cost, if any?
- Discuss the expectations of the Community Agency
- Provide a job description detailing the work to be done
- Give the students their site supervisor's contact information
- Will the students need to meet with the site supervisor prior to the beginning of their service?
- How closely will the student be supervised? By whom?
- Who do the students call if they cannot make their scheduled service, or will be late?
- Discuss appropriate attire when providing service
- Provide specific training for the position
- What will the student learn? What qualities or skills will the students develop?
- Review confidentiality rules for the site. Are pictures or video allowed?
- Review the risks associated with the placement
- Explain what students should do if harassment occurs. Whom do they contact?
- Explain what students should do if they suspect child abuse.
- Talk about the service schedule (total number of hours, days and times of the week, etc.).
- Who can the students contact with questions or concerns about their placement?
- Where do students check in at the Agency on their first day?
- How are the students' service hours recorded?
- Give location of site and directions via personal car or transportation. Where will students park? Is there a cost associated with parking?
- Who will be evaluating the students' service? If there a formal evaluation that the supervisor will complete?



## **COMMUNITY AGENCY ORIENTATION**

- Review the mission of the Community Agency
- Discuss the clientele of the Community Agency
- Tour the site and, in particular, identify emergency exits
- Where, and with whom, do students check in each time they arrive at the site?
- Where and how are service hours recorded?
- Students should provide emergency contact information to their supervisor
- Discuss on site accident and emergency procedure
- Discuss confidentiality

## **EXHIBIT A**

### **VEHICLE USAGE POLICY FOR NOTRE DAME EMPLOYEES**

This is the University of Notre Dame du Lac's policy for employees operating University owned or leased vehicles or dealer courtesy cars ("University Vehicles") and personal, rental or other vehicles while on university business ("University Business"). The following procedures and requirements are considered to be minimum standards. University Departments and other units may develop more restrictive procedures.

Notre Dame employees operating University Vehicles or operating personal, rental or other vehicles while on University Business must adhere to the following:

1. Must have a valid driver's license to drive any vehicle on University Business and must refrain from driving on University Business if their license is suspended or revoked. Employees operating University Vehicles must inform their immediate supervisor and the Department of Risk Management and Safety immediately upon the suspension or revocation of their driver's license or driving privileges and may not operate University Vehicles.
2. May not drive a University Vehicle and must not drive on University Business if they have more than once conviction in the past eighteen months for driving under the influence of alcohol or drugs, or for reckless driving.
3. If requested by the University, a driver must authorize the Department of Risk Management and Safety to obtain a copy of his/her driving record from the Bureau of Motor Vehicles (or similar agency in any state) for the Department's review.
4. Must not drive a University Vehicle or on University Business while under the influence of alcohol or drugs.
5. Must be at least eighteen years old.
6. Must not permit any unauthorized person to drive a University Vehicle under conditions which violate this policy, except when necessary in an emergency.
7. Must use seatbelts or other available occupant restraints and require other occupants to do likewise and be secured in accordance with applicable law. The number of passengers should never exceed the number of seatbelts in the vehicle.
8. Operate the vehicle in accordance with University regulations, know and observe applicable traffic laws, ordinances and regulations, and use reasonable and safe driving practices at all times.
9. Assume sole responsibility for any and all fines or traffic violations arising out of the operation or use of a University vehicle or a privately owned, rental or other vehicle while on University Business.

10. With respect to University Owned vehicles only, must turn off the vehicle, remove the keys and secure the vehicle when it is unattended, except for police vehicles, fire vehicles or specialized maintenance equipment.
11. Drive the vehicle at legal speeds appropriate for traffic, weather and road conditions.
12. Immediately report all accidents or violations to the University's Department of Risk Management and Safety pursuant to the section below entitled Reporting of Accidents and Damage.
13. University employees who spend the majority of their professional time driving must complete a safe driving course sponsored by the University's Transportation Services Department within a reasonable period of time after they are hired. Other employees who drive University Vehicles are encouraged to attend a safe driving course every three years.
14. Must assume responsibility for obtaining information about weather conditions when traveling on University Business.
15. Must not drive on University Business if the driver has caused 3 or more at-fault accidents within the past eighteen months.

Violations of this policy by any Notre Dame employee should be promptly referred to the Department of Human Resources and may result in appropriate disciplinary action.

## **CONCLUSION**

The proper utilization of University-owned vehicles, and the safe operation of personal vehicles on University business can save lives, prevent injuries, minimize University transportation costs and reduce liability. Any questions concerning this policy should be directed to the Department of Risk Management and Safety, 636 Grace Hall, 574.631.5037.

## **EXHIBIT B**

### **VEHICLE USAGE POLICY FOR NOTRE DAME STUDENTS**

This is the University of Notre Dame du Lac's policy for students concerning the operation of motor vehicles on University business or for events and activities arising out of one's attendance or student status with the University. The following procedures and requirements are considered to be minimum standards for University vehicle safety and the operation of any vehicle on University business. Departments and other units may develop more restrictive procedures.

Notre Dame students operating University owned or private passenger vehicles on University business or in connection with club sports, extracurricular or similar activities must adhere to the following:

1. Must have a valid driver's license and inform the Department of Risk Management and Safety immediately upon the suspension or revocation of their driver's license or driving privileges.
2. Must not have exceeded two at-fault accidents within the past eighteen months or have any conviction in the last eighteen months for driving under the influence of alcohol or drugs, or reckless driving.
3. If requested by the University, a driver must authorize the Department of Risk Management and Safety to obtain a copy of his/her driving record from the Bureau of Motor Vehicles (or similar agency in any state) for the Department's review.
4. Must agree not to drink alcoholic beverages or take illegal drugs and drive. In addition, Notre Dame students must comply at all times with the provisions of du Lac concerning driving under the influence of drugs and alcohol.
5. Must not smoke or allow smoking in a University vehicle or in any vehicle while it is being used for University business or as a result of one's student status at the University.
6. Must be at least eighteen years old.
7. Not permit any unauthorized person to drive a vehicle on University business under conditions which violate this policy, except when necessary in an emergency.
8. Must use seatbelts or other available occupant restraints and require other occupants to do likewise and be secured in accordance with applicable law. The number of passengers should never exceed the number of seatbelts in the vehicle.
9. Operate the vehicle in accordance with University regulations, know and observe applicable traffic laws, ordinances and regulations, and use reasonable and safe driving practices at all times.

10. Assume all responsibility for any and all fines or traffic violation associated with his/her use of a University vehicle or a privately owned vehicle on University business.
11. Turn off the vehicle, remove the keys and secure the vehicle when it is unattended, except for specialized maintenance equipment.
12. Drive the vehicle at legal speeds appropriate for traffic, weather and road conditions.
13. Not drive the vehicle "off road", except when necessary in an emergency.
14. Immediately report all accidents or violations to the University's Department of Risk Management and Safety.
15. Students driving University vehicles are first required to attend a safe driving course sponsored by the University's Transportation Services Department.
16. Must never drive on University business for more than eight hours in any eighteen hour period.
17. Must never drive a vehicle on University business between the hours of 1 a.m. and 5 a.m. except when necessary in an emergency.
18. Must assume responsibility for seeking information about weather and safety conditions.
19. Violations of this policy by any Notre Dame student will be referred to the Office of Residence Life for appropriate disciplinary action.

## **CONCLUSION**

The proper utilization of University-owned vehicles, and the safe operation of personal vehicles on University business can save lives, prevent injuries, minimize University transportation costs and reduce liability. Any questions concerning this policy should be directed to the Department of Risk Management and Safety, 636 Grace Hall, 574.631.5037.

## **REPORTING OF ACCIDENTS AND DAMAGE**

Immediately report any accidents or damage incurred while operating a University vehicle (or a privately owned vehicle on University business) to the local police department, the University's Department of Risk Management and Safety, the driver's supervisor, (for students only) the Office of Student Affairs and (for employees) Notre Dame Security/Police.

When you have been in an accident you must:

1. Get immediate medical aid if you are injured.
2. Keep calm and do not argue.
3. Make no statements or admissions concerning fault or responsibility for the accident.
4. Do not offer or agree to make payments for the accident or suggest the University will do so.
5. Notify the local police.
6. Discuss the accident only with police officers, representatives of the University's Department of Risk Management and Safety or other University officials.
7. Record as much information as you can on all of the other parties to the accident. This information should include their name, address, insurance company, driver's license number, license plate number, make, model and year of their car, precisely where the accident happened, witnesses (with names, addresses and telephone numbers).
8. Refer all questions from lawyers, the other party to the accident, insurance adjusters or representatives of the other party and others to the University's Department of Risk Management and Safety.

## EXHIBIT C

### Drugs and Alcohol—Faculty Guidelines

*Approved by the Academic Council on February 16, 2001*

#### 1. Use of alcohol by faculty in their relationships with students.

The guiding principle is that faculty must model to students how responsible, mature members of society can either abstain from the use of alcohol or use alcohol in ways that contribute to the quality of their lives without falling into the trap of excess or addiction. Some examples of how faculty can carry out this modeling responsibility are the following:

A. When inviting students to their homes, faculty must not offer alcoholic beverages to underage students. Faculty may serve students who are of age but will see to it that these students drink moderately, just as they observe their faculty host(ess) doing.

B. Faculty should not accompany students to restaurants, bars, lounges, etc., where they are aware that underage drinking is taking place. Faculty advisers of student organizations must be especially careful to encourage their student groups to be faithful to University policy and civil law concerning the use of alcohol, and must never join them in breaking the law. Rather, they should encourage students to obey civil law concerning the use of alcohol and help them to understand how to use alcohol in a responsible manner.

C. When a department, institute, center, or other faculty group invites students to a gathering where alcohol will be served, the following University policy that applies to all University events, not just those involving students, applies:

In all circumstances in which the University serves as host, alcohol may be provided only when it is possible to ensure moderation of consumption through reasonable measures, including but not limited to the following:

1. Alcohol is dispensed by licensed bartenders;
2. All participants are of majority age;
3. At events for which admission is charged, the cost of the alcoholic drinks shall be borne by individual consumers and will not be included in the admission fee;
4. A meal will be provided, and the bar will be open only for a limited time (brief) and either before or after the meal;
5. Those who are hosting will also provide nonalcoholic beverages as an alternative to alcohol.

If any of the preceding requirements are not met, the sponsor of the event must apply to the Provost's Office for an exemption. Department, institute, center or other faculty groups sponsoring events involving graduate students should request approval from the Associate Vice President for Residence Life prior to review by the Provost's Office. Exemptions will not be granted for any event involving undergraduate students. No exemptions will be granted at events not involving undergraduate students unless (i) nonalcoholic drinks are available and (ii) substantial amounts of food are available.

## EXHIBIT D

### Student Alcohol Possession and Use

1. All students are required to comply with applicable laws and University regulations regarding the possession or consumption of alcoholic beverages.
  - a. Any person under 21 years of age is underage in the State of Indiana and may not lawfully possess or consume alcoholic beverages. Students may be subject to disciplinary action for underage consumption, possession or transportation of alcoholic beverages, possession of false identification which misrepresents their age or identity, or for providing alcoholic beverages to any person who is underage.
  - b. Consumption or possession of alcoholic beverages in open containers is prohibited in the corridors and common areas, such as lounges or lobbies, of University residence facilities.
  - c. Within undergraduate residence halls, the possession or consumption of alcoholic beverages that contain in excess of fourteen percent (14%) alcohol by volume is prohibited. This regulation applies to all students and their guests, regardless of age.
  - d. Kegs are not permitted in any University residence hall, residence facility or anywhere else on University property.
  - e. Students of legal age may possess or transport in public areas of campus or in common areas of University residence halls an amount of alcohol, in closed containers and in suitable packaging, consistent with the concept of responsible and moderate consumption.
  - f. When otherwise permitted by University practice or policy (e.g., home football Saturdays) students of legal age may host and participate in tailgate gatherings at which alcohol is present. Hosts of tailgate gatherings will be held responsible for compliance with University regulations and Indiana law.
  - g. Students of legal drinking age may possess and consume alcoholic beverages at approved University events and/or when served at a campus facility licensed to provide alcoholic beverages.
  - h. Except as provided in f. and g. above, students may not possess or consume alcoholic beverages within athletic facilities, in any non-residence building on campus, on University grounds, campus quadrangles or parking lots.
  
2. Intoxication by any student, regardless of age, whether in public or in private, is prohibited. Symptoms of intoxication include slurred speech, impaired motor coordination and balance, loss of good judgment, or nausea. Severe intoxication may involve the inability to walk or stand, loss of consciousness, or vomiting. A student's first incident of intoxication will be addressed by the student's Rector if the violation occurs in his or her residence hall and the behavior does not fall within the definition of severe intoxication. In these instances, the Rector will, in addition to any other sanctions he/she deems appropriate, refer the student to the Office of Alcohol and Drug Education. At the discretion of the Rector, the student may also be referred to the Office of Residence Life.

Second and subsequent incidents of intoxication at any point in a student's academic career, as well as any first-time violations that occur outside the student's residence hall, will be referred to the Office of Residence Life.

All instances of severe intoxication will be referred to the Office of Community Standards.



3. The abusive drinking of alcoholic beverages is prohibited. The following behaviors are among those that may be considered violations of this regulation:
  1. Participating in drinking games, consuming shots of alcohol, drinking to the point of physical illness, "shotgunning" alcohol, or the possession or use of any instrument of alcohol abuse (e.g. "beer bongs").
  2. Consumption of alcohol directly from containers intended for multiple servings (e.g., quart bottles, 40 oz. bottles, 750 ml wine bottles, etc.).
  - c. Possession or consumption of alcoholic punch, gelatin shots or grain alcohol.
  - d. Consumption of alcohol while using prescription or over-the-counter medication where such use is contraindicated.
  
4. Print, electronic, and broadcast media funded in full or in part by the University, or by University solicited funds, or bearing the University's name, may not contain advertisements promoting alcohol or events that have alcohol as their primary focus. Also, the advertising of alcoholic beverages is prohibited within University residence facilities.
  
5. No graduate or undergraduate student, student organization or University housing facility may use University, student organization or University housing facility funds for the purchase of alcohol.

## **EXHIBIT E**

### **CLARIFICATION ON WHEN THE REQUIREMENTS OF THE UNIVERSITY ALCOHOL POLICY APPLY**

The University alcohol policy applies to the use of alcohol at “University-sponsored gatherings and social events.” The policy states that, because the University is the host of such a gathering or event, whether held on or off campus, alcohol must be dispensed by a licensed bartender.

The purpose of this document is to clarify the types of events which rise to the level of a “University-sponsored gathering or social event” and trigger the alcohol policy and its requirement of a licensed bartender.

#### **I. Private Social Gatherings**

Purely “private” gatherings, held either on or off campus, are not subject to the alcohol policy. Examples of the types of events that might be considered private gatherings are:

- Party at an employee’s home to welcome a new member to the office;
- Informal gathering in a private office on campus; or
- Entertaining a prospective new faculty member in an office or in the home of a faculty member

Additional examples are set out in the FAQs below.

#### **II. University-Sponsored Gathering or Social Event**

Those events that are more “public” in nature would be considered a university-sponsored gathering or social event.

To determine whether or not a gathering would be considered a private gathering or a university-sponsored gathering or social event, the following factors should be evaluated:

- Whether or not the event takes place in a public area of the University
- Whether or not university funds are spent
- Whether the event is open to the public in spirit or effect
- Whether the event takes place in a private area and overflows into public spaces
- Whether the event is publicly announced or advertised
- Whether the event is “invitation only” and held in a public area
- Whether attendance by employees is expected

No one factor is conclusive in determining the status of an event. All factors should be reviewed using reasonable judgment when making a determination in each individual case.

If, after reviewing all of the factors, it is determined that an event is a university-sponsored gathering or social event, all conditions set out in the University’s alcohol policy must be adhered to.

Any questions regarding the alcohol policy should be directed to the Office of the Provost.

## EXHIBIT F

### FAQ's REGARDING THE UNIVERSITY'S ALCOHOL POLICY

**1. I am planning a small party (10 or less) with colleagues and graduate students at my home serving wine, snacks and non-alcoholic drinks. I was planning to buy the wine at a local store and not hire a licensed bartender. My University department will be reimbursing me for the drinks and food. Do I need to file for an exemption with the Provost's Office?**

Based on all of the factors, this would be considered a private social gathering and the University's alcohol policy would not apply.

**2. To celebrate a graduate student's successful defense of his/her dissertation, the Department Chair plans to have a gathering of faculty and graduate students in the Department's conference room. Champagne, wine, non-alcoholic drinks and snacks will be provided and paid for by Department funds. A licensed bartender will not be hired. Do I need to file for an exemption with the Provost's Office?**

Based on all of the factors, this would be considered a private social gathering and the University's alcohol policy would not apply.

**3. If I have a voluntary gathering at my home with University colleagues and graduate students and alcohol and food is served with no licensed bartender or approved caterer, what personal liability am I accepting by hosting this "University" event?**

Depending on the circumstances, you may be accepting full liability should anybody get sick, hurt themselves, injure someone else or damage property of others just as with any other gathering in your home. Your homeowners insurance should provide coverage if someone gets ill from food poisoning but the insurance may or may not cover injury or property damage resulting from an alcohol related incident. Your personal assets may be at risk if you do not carry the appropriate insurance coverage. The University will not provide defense nor reimburse you for any legal expenses or damages determined to be your responsibility. Though the University may be reimbursing you for food and drink for the event, your liability is no different than hosting a neighborhood get together.

**4. What can I do to reduce my personal liability when hosting events at my home when alcohol will be provided? No caterer or licensed bartender will be hired.**

Common sense suggests taking precautions such as:

1) Ensure all participants are 21 or older, 2) Provide a meal or substantial snacks, 3) ensure non-alcoholic beverages are available, 4) monitor the consumption of alcohol and behavior of participants, and 5) be prepared to close the bar or restrict driving by a participant.

**5. My Department is planning a Christmas party for all Department faculty, staff and their children at an off-campus location. If I don't use Catering by Design, do I need to obtain University approval to use an outside caterer?**

Yes, Risk Management and Safety should be contacted to ensure the caterer is properly insured and has a valid Food Service Operating Permit issued by the County Health Department. If alcohol is to be served, the caterer must also hold an alcoholic beverage catering permit issued by the Indiana Alcohol and Tobacco Commission.

**6. What University facilities hold alcoholic beverage permits and have space available to accommodate university functions of various sizes?**

Legends

Morris Inn/Sorin's/Leahy's

Warren Golf Course/Clubhouse

Club Naimoli in the Joyce Center

The Monogram Room in the Joyce Center

Additionally, Catering by Design can cater events to any other location on campus using its catering permit.

**7. I am planning an open house in my department. I am planning to serve wine and beer. Is it possible to obtain an exception to the requirement that I use a licensed bartender?**

Exceptions will be considered on a case-by-case basis but are not routinely granted. Some factors that will be considered include:

- a) All attendees are over 21 years of age;
- b) The bar will be open only for a limited time;
- c) A meal or substantial snacks will be provided;
- d) Non-alcoholic beverages will be provided;
- e) The event is being held in a public area of the building.

**EXHIBIT G**  
**UNIVERSITY CORE VALUES**

- Accountability
- Integrity
- Teamwork
- Mission in Mission
- Mission in Excellence

## EXHIBIT H

### UNIVERSITY BEHAVIORAL EXPECTATIONS

#### ***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 minors.
- Whenever possible, try to have another adult present when you are working with minors in an unsupervised setting. Conduct necessary one-on-one interactions with minors in a public environment where you can be observed.
- Treat all Minors in a group consistently and fairly, and with respect and dignity.
- Be friendly with Minors within the context of the formal Program while maintaining appropriate boundaries.
- Maintain discipline and discourage inappropriate behavior by minors, 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 Minor away from the group or conduct private interactions with Minors in enclosed spaces or behind closed doors.
- Don't engage in inappropriate touching or have any physical contact with a minor in private locations.
- Don't use inappropriate language, tell inappropriate jokes, or make sexually suggestive comments around Minors, even if Minors themselves are doing so.
- Don't give personal gifts to, or do special favors for, a minor or do things that may be seen as favoring one Minor over others.
- Don't share information with Minors about your private life or have informal or purely social contact with minor program participants outside of Program activities.
- Don't strike or hit a minor or use corporal punishment or other punishment involving physical pain or discomfort.
- Don't relate to minors 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 minor. Don't show pornography to minors or involve minors in pornographic activities.
- Don't provide alcohol or drugs to minors or use them in the presence of minors.