A. PURPOSE

The purpose of this policy is to minimize the risk of harm to minors, to limit the potential liability of the University, its faculty, staff and students, and to establish compliance with Virginia Code Section 63.2-1509 requiring persons employed by an institution of higher education to report certain injuries to children (minors). As such, this policy establishes guidelines for the appropriate supervision of minors who are involved in University-sponsored programs held at the University or other locations controlled by the University as defined by the Clery Act. This policy also establishes guidelines for minors in the classroom and the workplace in order to minimize potential liability to the University, risk of harm to minors, and decreased employee productivity due to distractions and disruptions. This policy does not apply when the University is an invitee of another organization.

B. AUTHORITY


Code of Virginia Section 23.1-1301, as amended, grants authority to the Board of Visitors to make rules and policies concerning the institution. Section 6.01(a)(6) of the Board of Visitors Bylaws grants authority to the President to implement the policies and procedures of the Board relating to University operations.

Code of Virginia Section 2.2-1201.1, as amended, allows a state agency to require criminal background checks for persons in sensitive areas.

Code of Virginia Section 63.2-100, as amended, provides the definition of an abused or neglected child.

Code of Virginia Section 63.2-1509, as amended, requires that certain injuries to children be reported by physicians, teachers, etc., including any person employed by a public or private institution of higher education.
C. DEFINITIONS

**Abuse or Neglect of a Minor** – Has the same meaning defined in Code of Virginia Section 63.2-100.

**Additional Insured** - A person or organization that enjoys the benefits of being insured under an insurance policy, in addition to whoever originally purchased the insurance policy.


**Criminal Background Check** – A report that includes criminal felony and misdemeanor court records searches based on social security trace, a national sex offender registry search, as well as other appropriate sources of background information.

**Mandated Reporter** – Under Code of Virginia Section 63.2-1509, program staff (excluding students), University employees and volunteers are mandated reporters should they become aware of child abuse or neglect. See “Program Staff” defined below.

**MAT Certified Individual** - Childcare providers who work in licensed or regulated child daycare programs and individuals who work in private schools accredited by the Virginia Council for Private Education who give prescription medications to children who are required by the Code of Virginia to satisfactorily complete the MAT course.

**Minor** – A person under the age of 18 who is not enrolled or accepted for enrollment in credit-granting courses at the University. Students dually enrolled in University credit granting courses while also enrolled in elementary, middle or high school courses are not included in this policy unless such enrollment includes overnight housing in University facilities.

**Off Campus Program** – Programs held at University leased, rented or controlled premises or facilities.

**One-On-One Contact** - Unsupervised interaction between any program staff and a participant without at least one other program staff, parent or legal guardian being present.

**Participant** – A minor enrolled in or attending a program.

**Program** – An event or activity attended by minors offered by the University, or by non-University groups or organizations on University-owned or controlled property, during which program may be in sole supervisory care of a minor. This includes, but is not limited to, workshops, services, camps, conferences, campus visits, and similar activities. For this policy, programs do not include (a) events on campus open to the general public that minors attend at the sole discretion of their parents or guardian; (b) events where parents or guardians are explicitly required to accompany their children; and (c) programs where minors may be involved in University research as approved by the Institutional Review Board for human subject research.

**Program Director** – The person(s) having primary and direct operational responsibility for overseeing and managing a program, its program staff as well as student support staff.
**Program Staff** – Those individuals, 18 years of age or older, who interact with, supervise, chaperone, or otherwise oversee minors in program activities. This includes, but is not limited to, employees, volunteers, interns, student hourly employees, graduate assistants and independent contractors. For this policy, ODU students in unpaid support roles within programs are not program staff.

**Sponsoring Unit** - The academic or administrative unit of the University that offers a program or gives approval for housing or use of facilities pursuant to University 3200, Use of Facilities and Grounds.

**Student Support Staff** – Those ODU students in unpaid support roles within programs not having supervisory care responsibility over participants. See definition of “Program Staff” for paid student employees.

**University Facilities** - Buildings, structures, and parking lots owned or leased by the University.

**Volunteer** – Individuals who volunteer their service in support of a program without compensation (not including student volunteers). Current University employees may volunteer services when they are not the same type of duties for which the University employs the individual and are freely given without pressure from the University.

**D. SCOPE**

This policy applies to all Old Dominion University employees, students, volunteers, affiliated organizations and their employees, independent contractors and their employees, visitors and external organizations that interact with minors in University-run or sponsored programs or activities on University owned or controlled property. Employees include all staff, administrators, faculty, full- or part-time, and classified or non-classified persons who are paid by the University. Students include all persons admitted to the University who have not completed a program of study for which they were enrolled; student status continues whether or not the University’s programs are in session. Affiliated organizations are separate entities that exist for the benefit of the University through an operating agreement and include the Foundations, the Community Development Corporation, and the Alumni Association. Visitors include vendors and their employees, parents of students, volunteers, guests, uninvited guests, unaffiliated organizations, employees, guests and volunteers of unaffiliated organizations, and all other persons located on property owned, leased, or otherwise controlled by the University.

**E. POLICY STATEMENT**

Old Dominion University is committed to the safety of all individuals in its community. The University has particular concern for minors and those who are potentially vulnerable and require special attention and protection. This policy establishes guidelines for those in the University community who may work or interact with minors with the goal of promoting the safety and wellbeing thereof.

In addition, Old Dominion University believes in an environment that is conducive to work; therefore, the workplace shall not be used in lieu of childcare. Office and work space is not designed with the safety of minors in mind. There are safety hazards and possible University and supervisory liability in the event of accident or injury. Although the University strives to be a family-friendly environment, it is not appropriate to bring minors to work as a substitute for arranging for regular childcare while at work.
Minor children and family members are welcome during University-sponsored events intended for children, families or community participation.

F. PROCEDURES

1. Program Staff Training, Conduct and Other Requirements

Program staff are required to comply with all applicable laws, University policies and guidelines established in the Minors on Campus Program Manual. Program staff younger than 18 years of age may be employed or volunteer if all State and Federal laws are followed, however, they must not have sole or unsupervised custodial care of a minor.

Program directors must ensure that program staff who may be the sole custodial care of minors have undergone training prior to their employment/volunteering in the program. The program must keep copies of records of training completion.

Programs offered by non-University groups or organizations holding events on University property or that use University facilities must certify with the University that program staff who will be interacting with minors (and anyone who supervises such individuals) will comply with the Minors on Campus Program Manual.

The guidelines established in the Minors on Campus Program Manual for training, conduct, and other program requirements must be followed.

2. Criminal Background Checks

Program directors must ensure that program staff have cleared a criminal background check in accordance with University Policy 6021, Criminal Background Checks, prior to participating in the program.

For University employees who work with minors, University Policy 6021, Criminal Backgrounds Checks, must be followed.

Non-University groups or organizations that operate programs held at the University or that use University facilities must ensure that their program staff have cleared criminal background checks that meeting University standards, pursuant to University 6021, Criminal Background Checks, and must certify this to the University before the use of University facilities. Non-University groups or organizations must also provide proof of insurance in the amount listed in Subsection F.3. of this policy.

The guidelines established in the Minors on Campus Program Manual for criminal background checks must be followed.

3. Insurance Requirements for Non-University Groups or Organizations

Non-University groups or organizations must provide a certificate of insurance evidencing general liability insurance in the amount of $2,000,000 per occurrence and a $3,000,000 annual aggregate adding ODU as an Additional Insured. Such policy shall not exclude coverage for harassment or molestation. Should the non-University group or organization not have the required insurance coverage, they are encouraged to purchase coverage through the
University Risk Management and Insurance Association. Single day event coverage is available at https://tulip.ajgrms.com/ and coverage is available for camps at http://www.urmia.org/insurance/sportscamps. Certificates of insurance are to be provided to the ODU Office of Risk Management 10 days prior to the non-University event.

The guidelines established in the Minors on Campus Program Manual for insurance requirements for non-University groups or organizations must be followed.

4. Reporting Suspected Abuse and Neglect

All University employees and program staff must immediately report suspected instances of abuse or neglect of any person under 18 years of age to the Virginia Child Abuse and Neglect Hotline, 800-552-7096, as well as to their supervisor and/or University Police. Failure to report may expose individuals to criminal sanctions under Code of Virginia Section 63.2-1509.

The guidelines established in the Minors on Campus Program Manual for reporting suspected abuse and neglect must be followed.

5. Minors in the Workplace and Classrooms

a. There may be occasions when brief visits to the workplace by minors are necessary. These visits are at the supervisor’s discretion and the employee should receive prior permission before bringing a minor to the workplace. In these circumstances, minors will be the responsibility of the employee while in the workplace.

b. Supervisors may make an exception for a temporary, unforeseen emergency, but no employee may have a minor in the workplace without the supervisor’s permission or use the workplace as an alternative to childcare or for any other purpose. As necessary, supervisors may grant leave or flexible hours, at their discretion, in order for employees to deal with emergency or unforeseen circumstances.

c. Employees and supervisors must consider issues of safety, confidentiality, disruption of operations, disruption of services, disruption to other employees, appropriateness and liability posed by the presence of the minors in the workplace.

i. Unsupervised minors are not allowed into an area that is potentially hazardous.

ii. Minors exhibiting symptoms of potentially contagious illnesses are not to be brought into the workplace.

d. Department chairs may make exceptions to allow a faculty member to bring his or her child to class in exigent circumstances.

e. Students may be allowed to bring their minor children to class in exigent circumstances in accordance with the policy on Class Attendance by Guests.

G. RETENTION

Applicable records must be retained and then destroyed in accordance with the Commonwealth’s Records Retention Schedules.
H. RESPONSIBLE OFFICERS

Assistant Vice President for Public Safety/Chief of Police

I. RELATED INFORMATION

University Policy 1005 – Discrimination Policy
University Policy 3200 – Use of Facilities and Grounds
University Policy 3220 – Policy on the Use of Tobacco and Smoking-Related Products, and Electronic Cigarettes and Vaporizers
University Policy 3223 - Environmental Health & Occupational Safety
University Policy 6501 – Workplace Violence Prevention Policy
University Policy 6603 – University Drug and Alcohol Policy
Parking Regulations
Class Attendance by Guests
Medical Treatment Authorization Form