A. PURPOSE

The purpose of this policy is to establish guidelines for the appropriate supervision of minors who are involved in University-sponsored programs held at the University or other locations in order to minimize potential liability to the University and risk of harm to minors. 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.

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.

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

C. DEFINITIONS

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.

Authorized Adult - Individuals, age 18 and older, paid or unpaid, who interact with, supervise, chaperone, lead, assist, or otherwise oversee minors in program activities, recreational facilities, and/or residential facilities. This includes, but is not limited to, faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, and independent contractors/consultants. The authorized adults’ roles include, but are not limited to, positions as counselors, chaperones, coaches, and instructors. Authorized adults are considered to be mandated reporters as defined by Virginia law.

Background/Criminal Records Check – The Education Code requires the submission of fingerprints to the Department of Justice for any employee or volunteer who will supervise and/or discipline minors at a program or activity operated by the University. For the purpose of this policy, a
background/criminal records check shall consist of, at a minimum, a check of State and Federal criminal history databases using fingerprint recognition or other similar means.

**Camp and/or Clinic** – A program, activity, or instruction in which minors participate and which is run by the University or run by a third party using University facilities by contract. In the case of third party programs, the third party conducts the background/criminal records check of its employees and informs the University of the results of the background/criminal records check of the participating adults by the third party upon request.

**Direct Contact** - Positions responsible for the care, supervision, guidance or control of minors and/or routine interaction with minors.

**MAT Certified Individual** - Child care 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** - Person under the age of 18 who is not enrolled or accepted for enrollment in credit-granting courses at the University. Students who are “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.

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

**Program** – An event or activity offered by various academic or administrative units of the University or by non-University groups using University facilities. This includes but is not limited to the Children’s Learning and Research Center, workshops, sport camps/clinics, academic camps/clinics, sponsored events or activities for the public, conferences, pre-enrollment visits, tours, or continuing education programs, and similar activities.

**Program Director** – The person responsible for overseeing and managing an organization’s program activities and 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 policy on Use of Facilities and Grounds.

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

**Volunteer** – An individual is considered to be a volunteer at Old Dominion University if the following conditions are met:

- Services are performed in support of the University’s mission to include civic, charitable, educational, research or humanitarian reasons without promise, expectation, or receipt of compensation for services rendered.
- If the volunteer is a current University employee, the volunteer services 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 employees, students, volunteers, employees of affiliated organizations who are paid through the University, and visitors to the institution. 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 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 making arrangements for regular childcare while at work.

Minor children and family members are welcome during University-sponsored events intended for children, families or community participation.

It is not appropriate for faculty to bring their children into the classroom or to allow their students to bring children into the classroom.

Supervision of minors who are involved in University research is addressed by Institutional Review Board processes and is not addressed by this policy. This policy also does not apply to general public events where parents/guardians are invited and expected to provide supervision of minors, or to events where parents/guardians are explicitly required to accompany their children.

F. **PROCEDURES**

**PARTICIPATION OF MINORS IN UNIVERSITY-SPONSORED PROGRAMS**

1. The Program Director, whether utilizing University housing or not, is responsible for the following:

   a. Establish a procedure for the notification of the participant’s parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions. Authorized adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of minors in the program.
b. For residential programs at University facilities, provide a list of all program participants and a directory of program staff to the Old Dominion University Police Department. This list shall include the participant's name, local room assignment (if applicable), gender, age, address, and phone number(s) of parent or legal guardian, as well as emergency contact information.

c. Provide information to the parent or legal guardian detailing the manner in which the participant can be contacted during the program.

d. Provide a Medical Treatment Authorization form to each participant to allow the University to seek medical treatment on behalf the minor. Any request to amend the approved form must be approved by the Director of Student Health Services prior to its distribution or use. All forms must include the following:

   i. A statement informing the parent/legal guardian that the University does not provide medical insurance to cover medical care for the minor.
   ii. A statement authorizing the release of medical information (HIPAA) and emergency treatment in case the parent/legal guardian/emergency contact cannot be reached for permission.
   iii. A list of any physical, mental or medical conditions the minor may have, including any allergies that could impact his/her participation in the program.
   iv. All emergency contact information including name, address and phone number of the emergency contact.

e. Follow guidance from Student Health Services concerning communicable diseases.

f. Follow guidance from Student Health Services concerning first aid kits and epinephrine ("epi") pens. Participants’ medicines may be distributed by program staff, under the following conditions:

   i. The participant’s family provides 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.
   ii. Staff members shall keep the medicine in a secure location.
   iii. The staff member may allow the participant to self-administer the appropriate dose as shown on the container.
   iv. Any medicine that the participant cannot self-administer must be administered by a licensed health care professional or MAT certified individual associated with the University; if no one is available, arrangements must be made with another health care professional in advance of the participant’s arrival. If no other arrangement can be made the Program Director consults and makes arrangements with Monarch Medical Associates at 4211 Monarch Way, Norfolk, VA.

g. Follow appropriate safety measures for laboratory and research work. Minors in laboratories must always be accompanied/supervised by two or more authorized adults within the limitations of the workspace.

h. Ensure adequate supervision of minors while they are on University property. All activities involving minors must be supervised by at least two or more authorized adults or by their
parent(s) or legal guardian(s) at all times. Some of the factors to consider in determining "adequate supervision" are the number and age of participants, the activities involved, the type of housing if applicable, and the age and experience of the counselors. See also, item F.1.m.

All supervised participants in a University program or a program taking place on University property are permitted in the general use facilities (e.g. athletic fields, public spaces, academic buildings) but may be restricted from certain areas of the facilities (e.g. storage rooms, equipment rooms, athletic training rooms, staff/faculty offices) or from utilizing certain equipment.

i. Develop and make available to participants the rules and discipline measures applicable to the program. Program participants and staff must abide by all University regulations and may be removed from the program for non-compliance with rules. Program rules must include the following:

i. The possession or use of alcohol, illegal drugs, fireworks, guns and other weapons is prohibited.
ii. The operation of a motor vehicle by minors is prohibited while participating in the program.
iii. The parking of staff and participant vehicles must be in accordance with University parking regulations and include rules and procedures governing when and under what circumstances participants may leave University property during the program.
iv. No violence, including sexual abuse or harassment, will be tolerated.
v. Hazing of any kind is prohibited at Old Dominion University. Please see University Statement against Hazing (https://www.odu.edu/life/gettinginvolved/greek/risk-management). vi. No theft of property regardless of owner will be tolerated.
vi. No use of tobacco products (smoking is prohibited in all University buildings) will be tolerated.

vii. Misuse or damage of University property is prohibited. Charges will be assessed against those participants who are found responsible for damage or misuse of University property.

viii. The inappropriate use of cameras, imaging, and digital devices is prohibited, including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.

j. Obtain all media and liability releases as part of the program registration process. All data gathered shall be confidential, is subject to records retention guidelines, and shall not be disclosed, except as provided by law.

k. Assign a staff member who is at least 21 years of age to be accessible to participants. For residential (overnight) programs, the staff member must reside in the housing unit. Additional authorized adults will be assigned to ensure one-on-one contact with minors does not occur and that appropriate levels of supervision are implemented. See also item F.1.m.

l. Adopt and implement rules and regulations for proper supervision of minors in University housing for overnight (residential) programs. The following must be included:

i. Written permission signed by the parent/guardian for the minor to reside in University housing.
ii. A curfew time that is age-appropriate for the participants, but in no case shall it be later than midnight.
iii. In-room visitation to be restricted to participants of the same gender.
iv. Guests of participants (other than a parent/legal guardian and other program participants) are restricted to visitation in the building lobby and/or floor lounges, and only during approved hours specified by the program.
v. The program must comply with all security measures and procedures specified by the Office of Housing and Residence Life and the ODU Police Department.
vi. Pre-enrollment visit programs for high school students housed overnight in residence halls must be registered with the Office of Housing and Residence Life.

m. Provide and supervise trained counselors (also considered to be authorized adults) who must be at least 18 years of age, in accordance with the following:

i. The ratio of counselors to program participants should reflect the gender distribution of the participants and should meet industry ratios for best practices.

ii. Licensed Child Care Centers affiliated with the University shall be subject to the applicable Virginia Department of Social Services regulations.

iii. Training for the counselors must include, at a minimum, information about responsibilities and expectations; policies, procedures, and enforcement; appropriate crisis/emergency responses; safety and security precautions; confidentiality issues involving minors; mandated reporting; and University responsibility/liability. Counselors must know how to request local emergency services and how to report suspected child abuse (counselors are considered to be mandated reporters as defined by Virginia Code Section 63.2-1509).

iv. Responsibilities of the counselors must include, at a minimum, informing program participants about safety and security procedures, University rules, rules established by the program, and behavioral expectations. Counselors are responsible for following and enforcing all rules and must be able to provide information included herein to program participants and be able to respond to emergencies.

2. When there are high school students, including prospective athletes, participating in pre-enrollment visitation, the hosting ODU student(s) will not be required to be at least 21 years of age and the requirement for two authorized adults will also be waived.

3. All authorized adults who have direct contact with minors are required to have a current background/criminal records check on record with the University at the time of hire or before beginning to work with minors. This background check must be reviewed and approved by the Office of Human Resources prior to being hired and/or working with minors, in compliance with current ODU Policy Number 6020 for classified and wage employees. Non-University groups are required to certify all authorized adults hired by or volunteering services benefiting their event have a current background/criminal records check and will present a copy of such reports upon request by ODU Officials.

4. University Programs --Each authorized adult who will be participating in a program covered by this policy shall attend annual mandatory training on the conduct requirements, protection of participants from abusive emotional and physical treatment, and appropriate or required reporting of incidents of improper conduct to the proper authorities including, but not limited to, appropriate law enforcement authorities. If a program participant discloses any type of assault or abuse (at any time previously or during the program), or an authorized adult has reason to suspect that the participant has been subject to such assault or abuse, the
authorized adult, as a mandated reporter, should inform the Program Director immediately, unless the authorized adult believes that the Program Director may be involved in the allegations of assault or abuse. The Program Director or the authorized adult will then report the assault, abuse and/or neglect to either the local Department of Social Services in the city or county where the child resides or where the abuse or neglect occurred or to the DSS toll free Child Abuse & Neglect Hotline at 1-800-552-7096.

5. Authorized adults participating in programs and activities covered by this policy shall not:

a. Have one-on-one contact with minors: there must be two or more adults present during activities where minors are present. Authorized adults also shall not have any direct electronic contact with minors without another adult being included in the communication.

b. In the case of adults supervising minors overnight, an authorized adult should not enter a minor’s room, bathroom facility, or similar area without another adult in attendance, consistent with the policy of not having one-on-one contact with minors.

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.

e. Pick up minors from or drop off minors at their homes, other than the driver’s own child(ren), except as specifically authorized in writing by the minor’s parent or legal guardian.

f. Provide alcohol or illegal drugs to any minor. Authorized adults shall not provide prescription drugs or any medication to any minor unless specifically authorized in writing by the parent or legal guardian as being required for the minor’s care or the minor’s emergency treatment. Participants’ medicines may be distributed by program staff, following the conditions outlined in section F.1.f.

g. Make sexual materials in any form available to minors participating in programs or activities covered by this policy or assist them in any way in gaining access to such materials.

Separate sleeping room accommodations for adults and minors are required other than the minor’s parents or guardians.

NOTE: Items F.5.a-c. do not apply when there are high school students, including prospective athletes, participating in pre-enrollment visitation, hosted by ODU University student(s). Item F.5.a. does not apply to licensed psychologists providing psychological and counseling services to minors.

6. If an allegation of inappropriate conduct has been made against an authorized adult participating in a program, s/he shall discontinue any further participation in programs and activities covered by this policy until such allegation has been satisfactorily resolved.

7. Authorized personnel/signatories for non-University groups using University facilities must provide to the sponsoring unit satisfactory evidence of compliance with all of the
requirements of this policy at least 30 days prior to the scheduled use of University facilities, as well as a signed approved agreement for use of University facilities, if applicable.

8. Non-University groups 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 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.

9. Any exceptions to the application of the policy must be approved by the Office of the Provost and the division of Human Resources.

MINORS IN THE WORKPLACE AND CLASSROOMS

1. There may be occasions when brief visits 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.

2. 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.

3. 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.
   a. Unsupervised minors may never be allowed into an area that is potentially hazardous.
   b. Minors exhibiting symptoms of potentially contagious illnesses shall not be brought into the workplace.

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

5. 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

Director of Risk Management
Director of Human Resources

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 6603 – University Drug and Alcohol Policy
Gun and Weapon Regulation
Parking Regulations
Class Attendance by Guests
Medical Treatment Authorization Form