



OLD DOMINION UNIVERSITY

University Policy

Policy #3014 MINORS ON CAMPUS

Responsible Oversight Executive: Senior Associate Vice President for Audit and Compliance

Date of Current Revision or Creation: May 3, 2019

A. PURPOSE

The purpose of this policy is to protect the safety and welfare of minors who participate in, visit, or are present for University-run or sponsored youth programs. It ensures the University's compliance with state reporting requirements and reduces potential risks and liabilities by establishing requirements for the supervision, screening, training, and conduct of individuals who interact with minors on University property or at other locations controlled by the University, as defined by the Clery Act. 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.~~

B. AUTHORITY

Federal Statute 20 U.S.C. 1092(f), as amended – The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act), ~~originally signed in 1990,~~ requires colleges and universities participating in federal financial aid programs to maintain and disclose campus crime statistics and security information and implements regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46.

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 ~~67.01~~(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 certain persons who, in their official capacity, have reason to suspect that a child is an abused or neglected child, to immediately report

~~the matter that certain injuries to children be reported by physicians, teachers, etc., including any person employed by a public or private institution of higher education. Code of Virginia Section 63.2-100, as amended, provides the definition of an abused or neglected child.~~

~~Virginia Department of Human Resource Management Policy 2.10—Hiring, provides guidelines for an efficient and consistent competitive hiring process that promotes equal employment opportunity and a highly effective workforce.~~

C. DEFINITIONS

~~Abuse or Neglect of a Minor—Has the same meaning as defined in Code of Virginia Section 63.2-100.~~

~~Authorized Adult—A designation given to any person over the age of 18 who has completed the Authorized Adult Information and Disclosure Form, the Authorized Adult on-line training program and cleared a criminal and sex offender background check authorizing them to assume child welfare responsibilities over minors.~~

~~Child Welfare—Child welfare as used in this policy means ensuring that children are safe from both physical and emotional abuse and/or neglect.~~

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. For this policy it also refers to a background check using an FBI approved system to query the NCIC database.

Independent Contractor – As used in this policy, independent contractor refers to those non-university related individuals contracted as youth program staff or outside organizations contracted to produce and manage youth programs for the benefit of the University.

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

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.

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

~~Sponsoring Unit—The academic or administrative unit of the University that offers a youth 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 youth programs not having child welfare responsibilities over participants. See definition of “Youth Program Staff” for paid student employees.~~

~~University Facilities—Buildings, structures, and parking lots owned or leased by the University.~~

Volunteers – Individuals who offer their service in support of a youth 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.

Youth 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 staff have child welfare responsibilities over minors. This includes, but is not limited to, on campus and off-campus workshops, services, camps, conferences, campus visits, internships, projects, and similar activities. For this policy, youth 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.

Youth Programs Coordinator - An individual designated by the University to develop procedures to implement this policy and best practices for the protection of minors involved in University sponsored activities involving minors, and to provide coordination, training, and monitoring in order to [to](#) promote the effective implementation of this policy.

Youth Program Director – The person(s) designated as an authorized adult having primary and direct operational responsibility for participant child welfare, the oversight and management of a program, its youth program staff, and student support staff.

Youth Program Staff – Those individuals who have been cleared by the youth program coordinator, being 18 years of age or older, who interact with, supervise, chaperone, or otherwise oversee minors in activities that are part of a program as defined above. This includes, but is not limited to, employees, volunteers, interns, paid student employees, graduate assistants and independent contractors. For this policy, ODU students in unpaid support roles within programs are not considered program staff.

D. SCOPE

This policy applies to all Old Dominion University employees, students, vendors, volunteers, affiliated organizations ~~and their employees~~, independent contractors ~~and their employees~~, visitors and external organizations that interact with minors in University or non-University-run or sponsored youth 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. This policy does not apply when the University is an invitee of another organization.~~

E. POLICY STATEMENT

Old Dominion University is committed to providing a safe environment for the safety of all individuals members of its community, including minors. ~~The University has particular concern for minors and those~~ who are potentially vulnerable and require special attention and protection.

The Office of Risk Management is responsible for the administration and oversight of the Minors on Campus Program. All members of the University community share responsibility for protecting the safety and well-being of minors and must uphold the highest standards of care, supervision, and

ethical conduct. Compliance with all applicable federal and state child protection laws, as well as the requirements of this policy, is mandatory. ~~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.~~

~~The presence of minors in the workplace or classroom is permitted only under limited circumstances and with prior approval. 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 workspace 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

All youth programs must adhere to the requirements detailed in the *Minors on Campus Program Manual*, maintained by the Office of Risk Management. The following summarizes key expectations:

1. Youth Program ~~Staff Training, Conduct and Other~~ Requirements

- a) **Program Registration:** All University-sponsored and external youth programs involving minors must be registered.
- b) **Authorized Adult Designation:** Youth Program Directors must ensure that Youth Program Staff (YPS) have received the Authorized Adult designation prior to their employment/volunteering in the youth program.
- c) **Background Checks:** All YPS must complete a criminal background check before participating.
- d) **Training:** YPS must complete University-approved training before any contact with minors. Copies of training records for all authorized adults must be forwarded to and retained by the Youth Program Coordinator.
- e) **Supervision Standards:** Programs must maintain staff-to-participant ratios consistent with American Camp Association or comparable standards.
- f) **Medical and Emergency Preparedness:** Programs must maintain medical authorization and emergency contact forms, ensure safe medication storage and administration. Each program must have an approved emergency communication and parent-notification plan.
- g) **Reporting Suspected Abuse or Neglect:** All YPS and University employees are mandated reporters under Virginia Code § 63.2-1509 and must immediately report suspected abuse or neglect to the Virginia Child Abuse & Neglect Hotline (1-800-552-7096) and ODU Police.
- h) **Insurance and External Programs:** External or affiliated organizations must provide a certificate of insurance no later than 10 days before the event.
- i) **Residential or Overnight Programs:** Overnight programs require written parental consent and submission of participant and staff rosters to ODU Police and Housing & Residence Life prior to check-in.

~~Youth program staff are required to comply with all applicable laws, University policies and guidelines established in the *Minors on Campus Program Manual*. Youth 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.~~

~~Youth program directors must ensure that youth program staff who will be responsible for child welfare of minors have received the Authorized Adult designation prior to their employment/volunteering in the youth program. Copies of training records for all authorized adults must be forwarded to and retained by the Youth Program Coordinator and uploaded in accordance with the Minors on Campus Manual.~~

~~Youth programs offered by non-University groups or organizations holding events on University property or that use University facilities must ensure that their youth program staff who have child welfare responsibility over minors (and anyone who supervises youth program staff) 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~~

~~Criminal background checks are required for all youth program staff with child welfare responsibilities of minor participants. This requirement applies for University and non-University groups. 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 requisite amount and coverage in accordance with the guidelines established in the Minors on Campus Program Manual.~~

~~4. Reporting Suspected Abuse and Neglect~~

~~All University employees and youth 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 in accordance with the guidelines established in the Minors on Campus Program Manual. Failure to report may expose individuals to criminal sanctions under Code of Virginia Section 63.2-1509.~~

~~5.2. Minors in the Workplace and Classrooms~~

~~Minors may be present in the workplace or classroom only on a limited basis and with prior approval. Supervisors, department chairs, or faculty may grant permission for brief visits or in unforeseen emergencies but may not permit minors as a substitute for childcare. Employees and students are responsible for the minor's supervision and must ensure safety, confidentiality, and minimal disruption.~~

- ~~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 and require prior approval. 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.~~

- ~~e. 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 or teaching assistant to bring his or her child to class.~~
- ~~e. Faculty members and teaching assistants may grant students permission to bring their minor children to class in accordance with the policy on Class Attendance by Guests.~~
- ~~f. Faculty members, teaching assistants and staff may grant students permission to bring their minor children to appointments or meetings.~~

G. COMPLIANCE

Noncompliance with this policy may result in disciplinary action up to and including termination of employment or dismissal from an academic program in accordance with relevant faculty, student, and staff handbooks and University policies. ODU supports an environment free from retaliation. Retaliation against any person who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

Compliance by affiliated organizations, independent contractors, and external groups is a condition of their operating agreement, contract, or facility-use arrangement with Old Dominion University.

G.H. RECORDS RETENTION

Applicable records must be retained and then destroyed in accordance with the [Commonwealth's Records Retention Schedules](#).

H. RESPONSIBLE OFFICERS

Executive Director of Risk Management

I. RELATED INFORMATION

~~[University Policy 1005—Discrimination Policy](#)~~
~~[University Policy 3220—Policy on the Use of Tobacco and Smoking Related Products, and Electronic Cigarettes and Vaporizers](#)~~
~~[University Policy 3223—Environmental Health and Occupational Safety](#)~~
~~[University Policy 6603—Drug and Alcohol Policy](#)~~
~~[Parking Rules and Regulations](#)~~
[Medical Treatment Authorization Form](#)
[Youth Program Event Registration & Forms](#)
[Youth Programs Training](#)

POLICY HISTORY

Policy Formulation Committee (PFC) & Responsible Officer Approval to Proceed:

/s/ Robert Wells
Responsible Officer

April 29, 2019
Date

Policy Review Committee (PRC) Approval to Proceed:

/s/ Donna W. Meeks
Chair, Policy Review Committee (PRC)

April 24, 2018
Date

Executive Policy Review Committee (EPRC) Approval to Proceed:

/s/ Gregory DuBois
Responsible Oversight Executive

May 3, 2019
Date

University Counsel Approval to Proceed:

/s/ R. Earl Nance
University Counsel

April 29, 2019
Date

Presidential Approval:

/s/ John R. Broderick
President

May 3, 2019
Date

Policy Revision Dates: May 3, 2019

Scheduled Review Date: May 2, 2024