



# VCU

## Safety and Protection of Minors

**Policy Type:** Administrative

**Responsible Office:** Division of Community Engagement, Mary and Frances Youth Center

**Initial Policy Approved:** March 3, 2016

**Current Revision Approved:** March 3, 2016

### Policy Statement and Purpose

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Virginia Commonwealth University is committed to maintaining a safe and supportive environment for all individuals in the university community, particularly minors who participate in VCU sponsored or hosted programs.

VCU has an obligation to its students, faculty, staff, and visitors to conduct its operations and maintain its facilities in a manner consistent with its mission of service and access. Activities involving minors are integral to our mission of creating and disseminating knowledge for the betterment of society and outreach through community engagement. Ensuring the safe and appropriate treatment of minors on campus is imperative.

This policy applies to all programs and activities that involve non-enrolled minors and are sponsored by the university or conducted by other organizations on VCU's campus, including camps, clinics, workshops, conferences, research lab mentorships, and other educational activities. Minors participating in VCU sponsored or VCU hosted programs and activities shall be conducted in a manner that is appropriate and intended to keep everyone healthy and safe.

The purpose of this policy is to bring awareness to the presence of minors on campus, and to prescribe minimum requirements for the screening, supervision and training of individuals working with minors – to ensure their protection, to fulfill our obligations as mandated by law, and to provide the best possible experience for any minors participating in activities sponsored or hosted by the university. In addition, compliance with this policy serves to minimize those risks associated with activities involving minors for everyone.

Responsibility for this policy rests with departmental leadership who shall ensure that their programs and activities involving minors are compliant with this Policy.

**Screening.** Program supervisors and hosted programs are responsible for ensuring that program staff do not have a criminal background that would disqualify the individual from participating in a sponsored program or hosted program.

**Placement and Removal.** Program supervisors and hosted programs are responsible for ensuring that program staff understand their duty to report any activity that occurs prior to or after placement in a sponsored program or hosted program that may disqualify the individual from continued participation in the activity involving minors.

**Training and Supervision.** Program supervisors and hosted programs are responsible for ensuring that program staff are trained at a level appropriate for their level of interaction with minors. When participating in a sponsored program or hosted program, minors must be within sight and sound of appropriately trained Tier I or II program staff until the minor is released to a parent or guardian, unless specific written consent is received from a parent or legal guardian.

**Exceptions to this Policy include:** (1) events on campus which are open to the general public and which minors attend at the sole discretion of their parents or guardians; (2) campus visits; (3) minors serving as participants in Institutional Review Board approved research studies, when the minor is accompanied by a parent or legal guardian; (4) other activities or programs in which the minor is participating at the sole discretion and supervision of their parents, guardians, or chaperones; (5) minors as guests of enrolled students; (6) minors participating in activities or programs which take place on the Virginia Commonwealth University Qatar campus; and (7) short term or one-time shadowing activities not associated with an organized program.\*

*\*Special Note:* Shadowing activities should be conducted in open and public environments or within sight and sound of other adults.

Noncompliance with this policy may result in disciplinary action up to and including termination. VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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## **Who Should Know This Policy**

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All individuals serving as departmental leadership or program staff (defined below) who participate in program activities involving minors are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

## **Definitions**

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### **Campus Visit**

Campus visits are instances when minors come to campus for a temporary visit and are accompanied by a parent, legal guardian, or authorized chaperone [examples: participations in a prospective student tour; attendance as an audience member to an event open to the public; or an organizational field trip with appropriate chaperones e.g.; Girls Scouts, Boy Scouts, high school program].

### **Direct Supervision**

Direct supervision means the monitoring by sight and sound of interactions with minors by a Tier I or II Individual.

### **Hosted Program**

A hosted program is a program conducted on VCU's campus or other VCU-owned or operated facilities and administered or financially supported by a non-VCU entity. Examples include a sports camp conducted by a local high school coach at a VCU field, or a student organization program in which no VCU staff member acts as a program supervisor.

### **Mentorship to Minors**

A relationship between a VCU employee, serving in a guidance, advisory or preceptor role, usually related to a topic of study of interest to the minor. Relevant mentoring relationships may be informal or part of an organized mentoring program.

### **Minor**

A minor is an individual under the age of 18 who is not enrolled as a VCU student.

### **One-on-One Interaction**

One-on-one interaction is unsupervised interaction between any adult and a minor without at least one other authorized adult, parent or legal guardian present.

### **Program Staff**

Program staff include employees and volunteers involved in conducting either sponsored programs or hosted programs involving minors.

### **Tier I Individual (Including Program Supervisor and Point Person)**

This individual may engage in one-on-one interaction with minors and may supervise the interactions of Tier II and Tier III Individuals with minors in youth programs.

**Program Supervisor**

This is the individual with ultimate primary responsibility for the program. While programs may have various individuals who serve in a supervisory capacity, this individual has the authority to make the ultimate decisions concerning the program, including placement and removal of relevant program staff.

**Point Person**

This is a VCU employee in a sponsoring unit who grants permission to a hosted organization to use a VCU facility or another designated VCU employee, who is responsible for ensuring that a hosted program complies with this policy.

**Tier II Individuals**

These individuals may engage in one-on-one interaction with minors and may supervise the interactions of Tier III Individuals with minors. Examples may include full-time employees; part-time employees or hourly seasonal staff; interns; or mentors.

**Tier III Individuals (typically Volunteers)**

These individuals, typically volunteers, must be in "sight and sound" of a Tier I or II individual at all times when interacting with a minor. Examples may include service-learning students, interns, some hourly employees, and VCU employees using their community service-leave hours or who have not completed training and background checks required for Tier II status.

**Shadowing Activities**

Also known as "job shadowing" this term generally means: An educational experience wherein individuals can learn about a particular occupation or profession by accompanying an employee as they perform the targeted job. In the health sciences, job shadowing is a means by which students gain exposure to clinical environments and the various professional roles of health care workers. Shadowing activities are typically varied, short-term, or one-time events that are not connected to an organized program.

**Sponsored Program**

A sponsored program is a program administered by VCU wherein minors are in the care, custody and control of VCU during the program's operation, which may include relevant mentorship and/or shadowing activities.

**Sponsoring Unit**

A sponsoring unit is the academic or administrative unit of the university which offers a program or gives approval to a hosted program for use of VCU facilities.

**Volunteer**

A volunteer is a person who participates in a program or activity involving minors willingly and without pay, and does not have supervisory authority of the program. This person can be a Tier II or III Individual. Volunteers may also be VCU employees acting outside of their standard employment capacity.

## Contacts

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The Division of Community Engagement officially interprets this policy and is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures. Please direct policy questions to the Division of Community Engagement, specifically the Mary and Frances Youth Center, email [youth@vcu.edu](mailto:youth@vcu.edu).

## Policy Specifics and Procedures

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The procedures in this section are mandatory actions and processes to comply with policy, support compliance with applicable laws and regulations, and mitigate risk.

**\*Special note for hosted programs:** It is anticipated that hosted programs will have a contract and/or facilities use agreement with the VCU building or unit that is hosting them. All contracts must include a provision assuring that the individuals involved with hosted programs will comply with the following requirements in this policy. In addition, all independent contracts must reference and attach a current copy of this policy to such contracts. For assistance in drafting a Facilities Use Agreement with the required provisions contact VCU Conference Services at [css@vcu.edu](mailto:css@vcu.edu) or [804-828-4228](tel:804-828-4228). For inquiries about compliance to this policy's specifics and procedures please contact the Mary and Frances Youth Center at [youth@vcu.edu](mailto:youth@vcu.edu).

### 1. Minimum Requirements for individuals engaged in programs and activities involving minors

Minimum requirements for individuals engaged in programs with minors include screening, monitoring and supervision, and training. Minimum requirements are outlined below, and also in the chart entitled, *Safety and Protection of Minors: Minimum Requirements for Individuals Engaged in Programs & Activities Involving Minors* (see the Related Documents Section). VCU departments and units may adopt policies with additional requirements. The program supervisor for a sponsored program or hosted program is charged with ensuring compliance with these requirements, including maintaining documentation demonstrating compliance. Documentation for minimum requirements includes all background screening forms and certificates for training.

#### Screening

- All Tier I and Tier II individuals must undergo a biennial screening process that must include at least both a multistate criminal background check **and** National Sex Offender Registry screening. See Forms and Templates Section for a combination *Criminal Background Check and Sex Offender Search* Form and more information. The cost is approximately \$16 and may vary.
- All Tier II individuals must immediately disclose to the program supervisor if any changes occur at any time. Relevant changes may include arrests, criminal convictions and relevant reports to Child Protective Services. Tier I individuals must also report any such changes to their immediate supervisor.

- Tier I and II individuals must successfully pass the biennial screening process in order to interact with minors on VCU's campus or as part of VCU programs. Individuals who do not successfully pass the screening process are prohibited from interacting with minors in a sponsored or hosted program without the express permission from the Vice Provost, Division of Community Engagement.
- The program supervisor for a sponsored program or a hosted program is charged with maintaining appropriate screening documentation for all Tier I and II individuals.

### **Monitoring and Supervision**

- Tier I Individuals are responsible and accountable for ensuring individuals comply with this policy and program procedures established to ensure the protection and safety of minors in the program; and are entrusted to engage in appropriate program-related activities without direct supervision.
- Tier II Individuals must engage in appropriate program-related activities at all times and may engage in program-related activities without direct supervision only with specific permission from the Program Supervisor.
- Tier III Individuals may interact with minors only under direct supervision of a Tier I or II Individual.

### **Training**

- All Tier I and Tier II Individuals must annually complete the online *Safety and Protection of Minors Policy Training*, and receive a passing score of 80% on the comprehension assessment. See Related Documents section herein for a link to the online *Safety and Protection of Minors Policy Training*.
- The program supervisor for a sponsored program or a hosted program is charged with maintaining all Tier I and II program staff training certificates.
- It is also recommended for Tier I, II **and III** Individuals to watch the video: *Volunteering with Youth*, see Related Documents Section.

## **2. Program Requirements**

In addition to the minimum requirements for individuals, program supervisors must complete the following procedures and processes at least 30 days before the sponsored or hosted program begins.

The program supervisor for a sponsored program or a hosted program is charged with ensuring compliance with these requirements, including maintaining documentation demonstrating compliance.

### **Program Registration**

- For VCU sponsored programs, the program supervisor will register their program annually by filling out the online *Program Registration Form* (see Forms and Templates section) no later than 30 days prior to the first scheduled date of participation by minors.
- Hosted programs must have a designated VCU point person. The program's point person will annually fill out an online *Program Registration Form* no later than 30 days prior to the first scheduled date of participation by minors (see Forms and Templates section).

### **Communication and Notification Plans**

- The sponsored or hosted programs shall establish an appropriate procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions. Program staff, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to participation of the minors. See the Forms and Templates Section herein for examples of communication procedures and forms.
- The sponsored or hosted program shall maintain a list of all program participants and a current directory of all program staff. This list shall include each participant's name; local room assignment (if applicable); gender, age, address, and phone number(s) of parent or legal guardian to be reached throughout the duration of the program, as well as emergency contact information. See the Forms and Templates Section herein for a *Program Participant Tracking Template* and *Program Staff Tracking Template*.
- Program participants must be informed about safety and security procedures, applicable university policies, rules, and guidelines established by the program, and behavioral expectations. Program staff are responsible for following and enforcing all rules; providing information to program participants; and responding to emergencies in compliance with this policy.
- The program staff must explain to all parents, guardians, and chaperones of minors VCU's commitment and expectations during program participation, including an explanation of how and to whom relevant complaints may be made.

### **Additional Best Practices**

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The wide variety of VCU programs involving minors may necessitate Safety and Protection Plans that go beyond the policy requirements outlined herein in order to cater to the specific needs of a program. It is highly recommended that all programs complete a *Program Specific Safety and Protection Checklist* to address their program's unique safety needs. See the Forms and Templates Section for a *Program-Specific Safety & Protection Checklist*.

## Mandatory Reporting (Suspected Child Abuse or Neglect) ---

Under the laws of the Commonwealth and the expectations of the university, if at any time the neglect or abuse of a minor is known or suspected, it must be immediately reported as follows, regardless of whether the neglect or abuse is observed during normal working hours or program activities:

All persons employed by or serving as volunteers on behalf of VCU who know or suspect child abuse or neglect must report the knowledge or suspicion as soon as possible, but not longer than 24 hours after having reason to suspect by reporting to all of the following:

- Program Supervisor; **and**
- VCU Police Department at 828-1234; **and**
- Local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred.
  - If you are unsure which county or city to report to, then report to The Virginia Department of Social Services' toll-free child abuse and neglect hotline at 1-800-552-7096.

## Forms and Templates ---

1. [VCU Program Registration Form](#)
2. Criminal History Record Name Search Request (including Sex Offender Search):  
<http://www.vsp.state.va.us/FormsPublications.shtm>

The following documents can be found in the [Division of Community Engagement's Resources Toolkit](#) by filtering Safety and Protection of Minors:

3. Program-Specific Safety & Protection Checklist
4. Parent Permission Form Sample
5. Enrollment Form Sample
6. Incident Form Sample
7. Media Release Form Sample
8. Medical and Photo Waiver Sample
9. Waiver of Liability Sample
10. Youth Program Participant Tracking Sample
11. Program Staff Tracking Sample

## Related Documents ---

Related documents are critical to the development of corresponding policies and procedures. Related documents include federal regulations, state regulations, state policies and VCU policies, procedures and guidelines.

1. Safety and Protection of Minors Online Training: <http://mfyc.vcu.edu/youth-on-campus/training/>

2. Video: *Volunteering with Youth*:  
<http://www.youtube.com/watch?v=eZ04ie9XZAY&feature=share&list=UUm3DzGL1IbJdUpcWN2joGfA>.
3. Mandatory Reporting of Injuries to Children, Code of Virginia §63.2-1509  
<https://vacode.org/63.2-1509/>
4. Additional Sex Offender Search Resources at no cost:
  - a. These sites offer searching multiple states <http://www.nsopr.gov/en/Search> [the Dru Sjodin National Sex Offender Public Website (NSOPW)] and <http://www.criminalcheck.com/>
  - b. This site offers searching by individual states <http://www.fbi.gov/scams-safety/registry>
5. VCU Institutional Review Board Policies and Procedures:  
[http://www.research.vcu.edu/human\\_research/wpp\\_guide.htm](http://www.research.vcu.edu/human_research/wpp_guide.htm)
6. VCU Policy: Vehicle Accident Prevention and Safety  
<http://www.parking.vcu.edu/media/parking/images/fleet-section/VehicleAccidentPreventionandSafetyPolicy.pdf>
7. *VCU Code of Conduct* [for employees]:  
<http://www.assurance.vcu.edu/codeofconduct.html>
8. VCU Policy: Duty to Report  
<http://www.policy.vcu.edu/sites/default/files/Duty%20to%20Report.pdf>
9. VCU Policy: Criminal Conviction Investigations  
<http://www.policy.vcu.edu/sites/default/files/Criminal%20Conviction%20Investigations.pdf>
10. *American Camp Association Guidelines*: <http://www.acacamps.org/>
11. University of Nebraska-Lincoln Policy: 4 H Youth Activity Safety Policy:  
<http://4h.unl.edu/youthprotectionresources>

The following documents can be found on the [Mary and Frances Youth Center website](#):

12. Division of Community Engagement, Youth Programs Manual
13. Required Minimum Standards for Individuals Engaged in Programs & Activities Involving Minors
14. Mandatory Reporters Contact Sheet

## Revision History

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|-------------------------------------|--|
| March 3, 2016 (new policy)          | <i>Safety and Protection of Minors</i> |
| February 23, 2017 (minor revisions) | <i>Safety and Protection of Minors</i> |

**1. I am considering mentoring/I am mentoring a minor in my lab – does this policy apply to me?**

Yes, if you ever have 1:1 interaction with a minor, then this policy applies to you. You are considered a Tier I or Tier II individual. Whether you are acting as a solo mentor with a minor or as part of a group providing mentorships to minors, this policy applies to you. If you are providing mentorships to minors register your activity with Mary and Frances Youth Center.

**2. I have a minor shadowing me on a one time basis; do I have to obtain all minimum requirements for Tier II individuals?**

If you do not have minors shadowing you regularly **and** are always within sight and sound of other adults, you are not required to satisfy Tier II minimum requirements.

**3. My program is only for a once a year, one day program – does this policy apply to me?**

Yes. If your program involves minors, and does not fit into one of the exceptions noted in the policy section, then this policy applies to you.

**4. What does it mean if I “sponsor” a program?**

This policy outlines the distinction between VCU “sponsoring” a program and VCU “hosting” a program. Sponsoring a program is when the university administers or conducts a program. Please review these terms in the definitions section.

**5. What if I am unsure whether my program involves minors?**

If the program may involve minors, then you must prepare for the presence of minors in compliance with this policy. Please consult with the Division of Community Engagement, specifically the Mary and Frances Youth Center, for further information regarding how to best proceed.

**6. Minors will be visiting my classroom or lab, do I need to be screened and trained?**

If you will be interacting with minors outside of the presence of their parents or guardians, then you must either be under the Direct Supervision of a Tier I or Tier II Individual or be appropriately screened and trained as a Tier I or Tier II Individual. If this is part of a structured program for classroom or lab visitation, the individual responsible for the program must register with the Division of Community Engagement.

**7. Who do I contact if I have questions about registering my program or logistics?**

Contact the Mary and Frances Youth Center via email at [youth@vcu.edu](mailto:youth@vcu.edu).

**8. What if a non-VCU entity wants to use VCU space but does not have a sponsoring unit on campus – who do they contact?**

Contact VCU Conference Services via email at [css@vcu.edu](mailto:css@vcu.edu) or call 804-828-4228.

**9. Where can I get information about background checks and screening requirements?**

Information on conducting and funding background checks is available through the Division of Community Engagement's Mary and Frances Youth Center.

**10. What is a best practice for supervising minors?**

A best practice is that minors are supervised by at least two authorized adults or by parent(s) or legal guardian(s) of the participants. Some of the factors to be considered in determining requirements for supervision of minors are the number and age of participants, the activity(ies) involved, type of housing if applicable, and age and experience of the staff members. The *American Camp Association Guidelines* also provide best practices, see Related Documents.

**11. Who should I contact if I have questions about additional safety and protection measures for a program involving minors?**

Additional procedures concerning Medical Treatment, Administration of Medicines, Emergencies Services, Media Photos & Video Releases and Liability Releases are available for consultation from Division of Community Engagement, specifically the Mary and Frances Youth Center, upon request (email [youth@vcu.edu](mailto:youth@vcu.edu)). Also, see Related Documents for the *Division of Community Engagement's Youth Programs Manual*, and Forms and Templates for a *Program-Specific Safety & Protection Checklist*.

**12. How can parents submit complaints or concerns regarding programs involving minors?**

Complaints or concerns may be reported to the Program Supervisors first. If additional assistance is requested, you can contact the Division of Community Engagement, specifically the Mary and Frances Youth Center. If assistance reporting outside of a program is needed, the VCU Helpline is also available at [vcuhelpline.com](http://vcuhelpline.com) or by calling 1-888-242-6022.

**13. My student organization would like to host an event with minors. Does this policy apply?**

If the program is not being conducted by a VCU department or unit, student organizations must contact the Division of Student Affairs to provide a Point Person, and this activity should comply with this policy as a hosted program.

**14. Who is considered a chaperone under the policy?**

A chaperone is an individual who accompanies and supervises minors during youth activities or programs on VCU's campus. A chaperone should not be connected with or responsible for the activity or program directly.

**15. Does the policy apply to youth programs that are run through VCU Health Systems (VCUHS)?**

Youth activities or programs run exclusively by VCUHS employees with no connection to the university do not fall under this policy. If the VCUHS employee has a joint appointment at VCU [example: faculty member] or the program is connected with the university, this policy would apply.

**16. Does the policy apply to youth programs located at a facility or property leased by VCU?**

Yes. Any facility or property leased by VCU is considered part of the campus and compliance with the policy is required for youth programs at these locations.

**17. Who is responsible for conducting the biennial screening process for Tier I individuals?**

Tier I individuals who are VCU employees and have worked for the University for more than two years, will need to undergo a biennial screening process. The Tier I individual's immediate supervisor is responsible for conducting these screenings.

Tier I individuals not affiliated with VCU should consult with their organization's human resources professionals or legal counsel for advice on conducting biennial screenings related to this policy. VCU does not have a role or responsibility in reviewing or interpreting background check results for outside entities.

For further guidance please visit <http://mfyc.vcu.edu/youth-on-campus/background-checks/> or contact the Mary and Frances Youth Center at [youth@vcu.edu](mailto:youth@vcu.edu) or (804)827-3402.

# SAFETY AND PROTECTION OF MINORS

## Minimum Requirements for Individuals Engaged in Programs & Activities Involving Minors<sup>1</sup>

TIER	Nature of Interaction	Responsibility & Examples of Individual-Type	Screening	Annual Training	Monitoring & Supervision
I	1:1 and Group Setting Interactions Unsupervised and Supervised	Holds primary responsibility for running the program/activity and is accountable for ensuring others are in compliance with minimum standards set by VCU for interactions with minors.	Is responsible and accountable for ensuring compliance with the following biennial screenings: <ul style="list-style-type: none"> <li>Multistate criminal background check &amp; National Sex Offender Registry screening (<a href="http://mfyc.vcu.edu/youth-on-campus/background-checks/">http://mfyc.vcu.edu/youth-on-campus/background-checks/</a>)</li> </ul>	Is responsible and accountable for ensuring compliance with annual training requirements of self and others as follows: <ul style="list-style-type: none"> <li>Watch Video: <a href="#">Volunteering with Youth</a>; and</li> <li>Complete <i>Safety and Protection of Minors Policy Training</i></li> </ul>	Is responsible and accountable for ensuring compliance with monitoring and supervision minimum requirements of self and others; and are entrusted to engage in appropriate program/activity without direct supervision <sup>2</sup> by another individual.
II	1:1 and Group Setting Interactions Unsupervised and Supervised	May hold a supervisory role and be responsible to a degree for the program/activity.  Responsible and accountable for self and meeting minimum requirements set forth by VCU for interactions with minors. May supervise volunteers.	Each individual will, at a minimum, undergo the same screening process as outlined in Tier I.  <b>Note:</b> If there is a break in employment, then screening must be conducted again.	Is responsible and accountable for ensuring compliance with annual training requirements of self as outlined in Tier I.	Individuals in Tier II are entrusted to engage in appropriate program/activity at all times or sometimes, without direct supervision <sup>2</sup> by another individual.
III	Group Setting Interactions only; Supervised at all times	May be members from the community with, or without, VCU affiliation or they may be VCU employees or students serving in a volunteer capacity not related to the requirements of their employment position.	Individuals are in supervised group settings at all times; hence, screening is at the discretion of the Tier I individual with primary responsibility for the program/activity.	Individuals are in supervised group settings at all times; hence, training is at the discretion of the Tier I individual with primary responsibility for the program/activity.	Under the direct supervision <sup>2</sup> of Tier I or II Individual at all times.

<sup>1</sup>These requirements are to be met before individuals engage with minors in programs and activities. See policy, Safety and Protection of Minors, for additional details. Certain limited exceptions to programs involving minors do exist; see specifics in the *Safety and Protection of Minors* policy located at [www.policy.vcu.edu](http://www.policy.vcu.edu)

<sup>2</sup> For purposed of these requirements, 'Direct Supervision' means "within sight and sound" of another who does not require direct supervision.