Minors at Virginia Tech

No. 4815

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Policy Owner:
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Affected Parties:
Undergraduate
Graduate
Faculty
Staff
Other

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1.0 Purpose

Virginia Polytechnic Institute and State University (Virginia Tech) is committed to the safety and welfare of its students, faculty, staff and visitors through the establishment of reasonable practices that support a safe and secure environment in and on all university real property (see Section 4.0 Definitions) as well as to promoting safety through policies and programs. The purpose of this policy is to bring awareness to the presence of minors in programs conducted or hosted by the university and to prescribe minimum requirements for the screening and training of individuals working with minors.

2.0 Policy

Educational programming and activities involving minors are integral to the engagement mission of Virginia Tech. The university expects all individuals working with minors to hold themselves to the highest standards of conduct. In addition, all individuals working with minors are responsible for reporting known or suspected child abuse or neglect, in accordance with Section 2.5 of this policy and associated guidelines as required by policy and law. University employees are also required to comply with reporting requirements under Virginia Tech Policies 1025 (Policy on Harassment, Discrimination, and Sexual Assault) and 1026 (Policy on Title IX Sexual Harassment and Responsible Employee Reporting).

All activities and programs with minors hosted by Virginia Tech in or on university real property or conducted by Virginia Tech at any location except those activities and programs referenced in Section 2.1 are required to register with the Office of Youth Protection and follow guidelines and procedures established by that office. The Office of Youth Protection is responsible for maintaining a record of all youth programs, overseeing the system for criminal background checks, and developing training programs for program staff involved with programs for minors. The Office of Youth Protection has the authority to deny requests for or halt the commencement of programs that do not meet the requirements contained in this policy.

Related policies are referenced in Section 5.0. All university policies apply to minors. Federal and state laws guiding interaction with minors apply to all university faculty, staff, students, volunteers, and others working with minors engaged in activities and programs hosted or conducted by Virginia Tech.

Changes to this policy must be approved by the Executive Vice President and Chief Operating Officer (EVPCOO). Associated guidelines, procedures, and criteria for exceptions to this policy or exemptions from specific requirements of this policy must be reviewed by the Youth Protection Advisory Committee (YPAC) appointed by the EVPCOO, and any proposed changes must be approved by the YPAC. At a minimum, membership of the YPAC will include representatives from the offices of Virginia Cooperative Extension (VCE), Athletics, Risk Management, Virginia Tech Police Department, Emergency Management, Civil Rights Compliance and Prevention Education, Student Affairs, and Policy and Governance with guidance provided by University Legal Counsel.

Any 4-H programs registered through 4-H Online are considered to have met the requirements of this policy. The Office of Youth Protection has access to the 4-H Online database. The Youth Protection Advisory Committee will periodically review 4-H Online to determine whether it continues to meet the requirements of this policy; if the review reveals that 4-H Online no longer meets the requirements of this policy, then 4-H programs will be required to register through the centralized registration process operated by the Office of Youth Protection.

The amount of time or cost involved with meeting the requirements of this policy are not acceptable criteria for seeking or granting exemptions.

2.1 Policy Exceptions

The policy will not apply to the following:

- undergraduate and graduate academic programs in which minors are enrolled for academic credit or who have been accepted for enrollment;
- licensed child day care centers operated by the university;
- Schiffert Health Center patient interactions;
- university events that are open to the general public that may involve minors;
- research programs that are subject to the Institutional Review Board guidelines, policies, and oversight for research involving human subjects; and
- minor employees.

Also excluded from this policy are minors visiting siblings who are enrolled students, as well as groups of minors visiting university real property for the purpose of tours, field trips, or as patrons of educational or entertainment events in which the visit is not overnight and the minors are in the custody of the visiting staff.

Any other exceptions to this policy must be approved by the Office of Youth Protection in accordance with criteria established by the Office of Youth Protection as required by this policy.

2.2 Responsibility/Accountability

2.2.1 Office of Youth Protection

The Office of Youth Protection is responsible for overseeing youth guidelines and procedures, and the office oversees registration of the youth programs conducted or hosted by Virginia Tech. The Office of Youth Protection is responsible for operating a centralized registration process and data base for youth programs including relevant information needed by Emergency Management, the Virginia Tech Police Department, or other pertinent university offices in the event of an emergency. The Office of Youth Protection approves youth programs based on compliance with registration, training, supervision plans, background checks and prior instances of non-compliance.

Additionally, the Office is responsible for designing and delivering training, and developing associated guidelines, procedures, and criteria for exceptions/exemptions.

The Office of Youth Protection is authorized to grant exceptions to this policy or specific requirements in accordance with established guidelines. Additionally, the Office of Youth Protection has the authority to deny requests for or halt the commencement of programs that do not meet established guidelines.

The Office of Youth Protection works closely with the Virginia Tech Police Department, Emergency Management, Human Resources, Civil Rights Compliance and Prevention Education, Legal Counsel, Risk Management, and Virginia Cooperative Extension (VCE).

2.2.2 Program Administrator

The program administrator is the person who has primary operational responsibility for managing a program involving minors. Program administrators include the person in authority for programs conducted by Virginia Tech and the person representing an external organization working with a university sponsor. The program administrator for a university department-organized conference, event, or other program operated through Continuing and Professional Education will be a member of the organizing department. The program administrator is considered a Tier I individual.

2.2.3 Program Staff

Program Staff are individuals who interact with, supervise, chaperone, or otherwise oversee minors in program activities. This includes but is not limited to employees and students of Virginia Tech, volunteers, independent contractors, and representatives of non-university entities holding events involving minors at university real property. Program staff, program administrators, and university sponsors are categorized as Tier I, Tier II, or Tier III based on the individual's level of responsibility and the level of risk associated with the role.

Tier I individuals are responsible for running a program/activity and are expected to oversee that others are in compliance with minimum standards set by Virginia Tech for interaction with minors. Program administrators and university sponsors are Tier I individuals (refer to definitions).

Tier II individuals are those who may hold a supervisory role within a program and may provide direct supervision of minors. These individuals are entrusted to engage in the program with or without direct supervision and may supervise other adults.

Tier III individuals perform their duties under the supervision of Tier I or Tier II individuals at all times. For example, a volunteer may lead a group activity under the supervision of a Tier I or Tier II individual. Tier III individuals normally would not be alone in a one-on-one situation with a minor.

Requirements for criminal background checks and training are established according to tier level.

All program staff regardless of tier level are responsible for reporting known or suspected child abuse or neglect, in accordance with Section 2.5 of this policy and associated guidelines as required by law. University employees are also required to comply with reporting requirements under Virginia Tech Policies 1025 (Policy on Harassment, Discrimination, and Sexual Assault) and 1026 (Policy on Title IX Sexual Assault and Responsible Employee Reporting).

2.3 Screening

All Tier I and Tier II individuals must have a criminal background check. Screenings include a National Criminal Index search, National Sex Offender Registry search, and county- or statewide- equivalent level search. Programs involving minors will not be permitted to commence until required background checks are completed and/or confirmed. Program administrators are required to confirm that required background checks are conducted and that program staff do not have a criminal background that would disqualify the individual from participating as program staff for a youth program, and for providing documentation to the Office of Youth Protection in accordance with the guidelines developed by that office.

Criminal background checks for university employees and certain student and volunteer roles are governed by Policy 4060: Conviction and Driving Record Investigation for Employment. However, program administrators should confirm that any employee covered by Policy 4060 who has never undergone a criminal background check does so before being permitted to serve in a Tier I or an oversight Tier II capacity.

Program administrators of non-university programs are required to confirm screening of their employees, volunteers, and other representatives that they intend to utilize as program staff. The screening must meet or exceed university standards, and the program administrator must provide written certification to their university sponsor that the results of those individual criminal background checks are satisfactory to the non-university entity. Importantly, it is the responsibility of the non-university entity, and not Virginia Tech, to determine whether the result of an individual's background check is acceptable. Non-university entities may elect to use the same screening vendors used by Virginia Tech, but are not required to do so as long as the vendor meets university standards. The university sponsor will forward the external organization's written certification to the Office of Youth Protection in accordance with the guidelines issued by that office.

Detailed requirements for criminal background checks are specified in the guidelines issued by the Office of Youth Protection.

2.4 Training

All Tier I and Tier II individuals must complete training specified in the guidelines issued by the Office of Youth Protection. Required training topics include at a minimum health and safety procedures and mandatory reporting, in accordance with university policy and federal, state, and local laws. Program administrators for university programs are responsible for providing documentation of training to the Office of Youth Protection. Program administrators of external organizations must provide written certification of training completion by program staff to their university sponsors. The university sponsor is responsible for forwarding the external organization's written certification to the Office of Youth Protection.

Requirements for training and/or orientation of Tier III individuals are addressed in the guidelines issued by the Office of Youth Protection.

The Office of Youth Protection delivers training through a combination of in-person training, a train-the-trainer process, and online and distance learning modules.

2.5 Reporting

2.5.1 Reporting Potential Harm to Minors

All members of the university community as well as all program staff (whether part of the Virginia Tech community or external entities) regardless of tier level involved in a program covered by this policy are responsible for reporting known or suspected child abuse or neglect, or inappropriate interactions with minors covered by this policy to the Virginia Tech Police Department or other local law enforcement agency AND to the Office of Youth Protection. This includes information about known, suspected, or reported abuse, neglect, or inadequate care provided by a parent, guardian, or custodian/caretaker.

2.5.2 Additional Obligations for Mandated Reporters ("Responsible Employees")

This policy runs concurrently with Virginia Tech Policies 1025 (Policy on Harassment, Discrimination, and Sexual Assault) and 1026 (Policy on Title IX Sexual Harassment and Responsible Employee Reporting). All

Virginia Tech employees are responsible for knowing and understanding their reporting obligations under Policy 1025 and Policy 1026. In addition to following the provisions of Section 2.5.1 of this policy, university employees who work with youth programs are also required to comply with their reporting obligations under Policy 1025 and Policy 1026.

3.0 Enforcement

Violations of this policy or associated guidelines and procedures may result in a program being terminated and/or individuals (adults or minors) being removed from the program and, when appropriate, banned from university real property.

Violations of this policy by Virginia Tech employees are subject to discipline as contained in university policies.

Violations may result in future requests to conduct a program being denied.

Program administrators, university sponsors, and department heads are required to report all violations of this policy to the Office of Youth Protection or the Virginia Tech Police Department, as applicable.

4.0 Definitions

"Abused or neglected child" means any child less than 18 years of age:

- Whose parents or other person responsible for the child's care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with a parent or other person responsible for the child's care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by the parent or other person responsible for the child's care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;
- Whose parents or other person responsible for the child's care neglects or refuses to provide care necessary for the child's health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest.
- Whose parents or other person responsible for the child's care abandons such child;
- Whose parents or other person responsible for the child's care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;
- Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

- Whose parents or other person responsible for the child's care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for the child's care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender or
- Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000.

Mandated or Mandatory Reporter - an individual who, in the ordinary course of their profession, typically has frequent contact with children and is required by law to report instances of suspected abuse or neglect. Reference Code of Virginia §63.2-1509, Title IX and the Clery Act for a list of professions and additional information.

Minor – An individual under the age of 18.

Non-university Program – A program conducted at a university facility and administered or financially supported by a non-Virginia Tech entity. Examples include, but are not limited to, sporting events conducted by groups at a Virginia Tech real property or a student organization program in which no Virginia Tech staff member acts as a program supervisor.

Program – A set of related measures or activities with a particular long-term aim. Participants may range from one individual minor in a department, such as a minor participating in a university mentorship opportunity, to many in an organized camp, as examples.

Program Administrator – An individual with primary responsibility for a 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 program staff.

University Program – A program administered by Virginia Tech wherein minors participate during the program's operation.

University Real Property – any location, either permanent or temporary, owned or leased by Virginia Tech, and includes satellite campuses and offices. This includes, but is not limited to, the buildings, grounds, infrastructure, outdoor spaces and the surrounding perimeters including the parking lots, field locations, classrooms, alternate work or class locations. University Scheduling Office: a Virginia Tech office/

University Sponsor – A Virginia Tech employee in a sponsoring unit who grants permission to a hosted (external) organization, group, or individual to use Virginia Tech real property. In accordance with university Policy 5000: University Real Property (Building, Grounds, Infrastructure) Usage and Events, non-university groups or organizations must have a university sponsor to hold an event on university real property.

Volunteer – A person who participates willingly and without compensation in a program or activity. Volunteers may also be Virginia Tech employees acting outside their regular employment.

5.0 References

Virginia Tech, Continuing Duty to Report Arrests and Convictions to the University
https://www.studentconduct.vt.edu/content/dam/studentconduct_vt_edu/assets/docs/Arrest_Disclosure_form.pdf

Virginia Tech, University Policy 1005, Health & Safety Policy
http://www.policies.vt.edu/1005.pdf

Virginia Tech, Policy 1025, Harassment, Discrimination, and Sexual Assault
https://policies.vt.edu/1025.pdf

Virginia Tech, Policy 1026, Title IX Sexual Harassment and Responsible Employee Reporting
https://policies.vt.edu/assets/1026.pdf

Virginia Tech, University Policy 4060, Conviction and Driving Record Investigation for Employment
http://www.policies.vt.edu/4060.pdf

Virginia Tech, University Policy 4330, Guidelines for the Use of Volunteers
http://www.policies.vt.edu/4330.pdf

Virginia Tech, Policy 5000, University Real Property (Building, Grounds, Infrastructure) Usage and Events
http://www.policies.vt.edu/5000.pdf

Virginia Tech, Policy 5010, Residential Camps, Conferences, and Workshops
https://policies.vt.edu/5010.pdf

6.0 Approval and Revisions

Approved by the University Safety and Security Policy Committee on April 15, 2014.
Approved April 15, 2014, by President Charles W. Steger

- **Revision 1**
  - Section 3.5 – responsibility for interpretation of this policy is assigned to the Office for Equity and Accessibility
  - Legal compliance revisions
  - Updated the training component
  - Removed section about criminal background checks (formerly Section 3.4)

  Approved by the University Safety and Security Policy Committee on May 10, 2017.
  Approved May 10, 2017, by President Timothy D. Sands.

- **Revision 2**
  - Extensive revision of existing policy
  - Creation of Office of Youth Protection
  - Added section on enforcement and penalties for non-compliance
  - Reinstated criminal background check requirement and expanded training requirement.

  Approved by the University Safety and Security Policy Committee on November 29, 2022. Approved January30, 2023 by President Timothy D. Sands.

- **Revision 3**
  - Update to 2.0 policy approval and YPAC membership appointment from Safety and Security Policy Committee to Executive Vice President and Chief Operating Officer.
  - Technical updates including revised links and policy author title.

  Approved October 21, 2024 by Executive Vice President and Chief Operating Officer, Amy Sebring.

- **Revision 4**

  Technical revision to update organization titles in Section 2.0 and 2.2.1.

  Approved March 12, 2025 by Vice President for Policy and Governance, Kim O'Rourke.