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## **I. Scope**

### **A. Application.**

This policy applies to William & Mary, including the Virginia Institute of Marine Science (the university). It applies to programs in which minors (as defined below) are participants, when the program:

1. is sponsored by the university, such as programs that receive direct university funding or are conducted or organized by the university, or
2. occurs in whole or in part on campus or in university facilities (as defined below).

### **B. Exceptions to this Policy.**

1. Pre-enrollment visits by prospective high school students, including prospective athletes hosted by university-enrolled student(s), programs run through the undergraduate admission office, and programs for the selection of scholarship recipients.;
2. Minors as guests of an enrolled student;<sup>1</sup>
3. University performances or events open to the general public for which minors attend at the sole discretion of their parent or guardian (e.g. homecoming parade, intercollegiate sporting events, Muscarelle Museum exhibits, lectures, concerts);
4. Other activities or programs on campus in which the minor is participating under the sole discretion and supervision of their parent, guardian, or chaperone(s) (e.g. school field trip).

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<sup>1</sup> Current William & Mary students can be subject to the university's Student Code of Conduct for misconduct of their guests.

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## II. Purpose and Policy Statement

The purpose of this policy is to bring awareness to the presence of minors participating in university-related programs and activities on university property and in university facilities. To safeguard these individuals and provide for their well-being and comply with applicable laws, this policy prescribes minimum requirements for screening and supervision of individuals working with minors. This policy also requires university employees to report any instances of known or suspected abuse or neglect of minors as mandated by Virginia law.

Compliance with this policy rests with leadership of the department or unit for programs offered by the university or the Approving Unit (defined below), who shall ensure that programs and activities involving minors meet the requirements in Section IV.

## III. Definitions

**Approving unit:** The department, school, or other academic or administrative unit of the university that gives approval for the Covered Program to contract with the university for housing or use of facilities.

**Authorized Adult:** An individual, 18 years of age or older, paid or unpaid, who supervises, chaperones, interacts with or otherwise oversees minors in program activities, such as a counselor, coach, instructor, or program director. This includes but is not limited to faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, and independent contractors/consultants. To be an Authorized Adult, the individual must (1) be cleared through a criminal background check and National Sex Offender Registry screening, and (2) be documented on the Covered Program’s directory of program staff.

**Covered Program:** Program with “minor participants”, as defined below. A covered program includes programs offered by the university (or any unit of the university) as well as programs of outside groups (hosted program) using university facilities. Programs include, but are not limited to, activities such as camps (day and sleep-away), competitions, athletic training or conditioning activities, academic programs, workshops, conferences, tours and organized visits.

**Hosted Program:** A hosted program is a program conducted on William & Mary’s campus, other William & Mary-owned or operated facilities, and administered or financially supported by a non-William & Mary entity. Examples include outside sports camps, athletic training or conditioning activities, conducted at a William & Mary field or facility, or a student

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organization program in which no William & Mary staff member acts as a program supervisor (International Relations Club hosting the High School Model UN competition).

**Minor Participant:** A person under the age of eighteen (18) who has not matriculated as an enrolled student at the university. High school students who are concurrently enrolled at the university under the guidelines of concurrently enrolled students<sup>2</sup> are not considered to be “minor participants” when participating in the enrolled course(s).

**Non-Authorized Adult:** Individual who is employed by a Covered Program and has contact with Minor Participants during a Covered Program, but does not supervise, chaperone, interact or oversee Minor Participants(e.g. camp shop manager, concession sales).

**Program Supervisor:** Individual with ultimate primary responsibility for the Covered 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.

**Review Team:** Team composed of a representative from the Approving Unit, the Office of Compliance & Equity, and the WMPD to assess results of positive background checks, affirmative disclosure of arrests, or complaints filed against an Authorized Adult during their participation in a Covered Program.

**University facilities:** property (including motor vehicles and watercraft), buildings, or other facilities owned, leased, or controlled by the university.

**Volunteer:** Any person who, of his or her own free will, provides goods or services, without the promise or expectation of financial gain, to the university, or to a covered or hosted program or activity, as defined in this policy.

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<sup>2</sup> <https://www.wm.edu/admission/undergraduateadmission/how-to-apply/nondegreeseekingstudents/index.php>

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#### IV. Policy

##### A. Covered Program Requirements

1. Hosted Programs. It is the policy of William & Mary that Hosted Programs with minor participant(s) may only be permitted to use university facilities if the Approving Unit ensures that all the safety-related requirements outlined in this policy are met. An Approving Unit must, for each program, either take the required actions or require (such as through a contract) the Hosted Program offering or conducting the program to take the required actions in Sections IV.A, IV.B, IV.C and V of this policy.
2. Compliance with Policy & Insurance Coverage. Contractual agreements concerning personnel or facilities related to programs including Minor Participant(s) must include compliance with this policy as a term of the contract. When appropriate, such contracts shall also include requirements for sufficient insurance coverage for the acts or omissions of other program participants or third party employees or agents of the Hosted Program. The Approving Unit must confirm with the Office of Risk Management that the Hosted Program's insurance policy meets the coverage level required to be sufficient.
3. Contact Information and Protocols. Program Supervisor shall:
  - a. Establish and maintain a list of all program participants (minors and non-minors). This list shall include participant's name, local room assignment

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(if applicable), gender, age, address, phone number(s) of parent or legal guardian, and emergency contact information.

- b. Compile a directory of all program staff (including Non-Authorized Adults ) that includes: Name, employment position in the Covered Program, background completion date for each Authorized Adult, results of the background check and NSOR screening, any affirmative disclosure of arrest or criminal conviction as required under Section IV.C.3 of this policy, and assessment of and rationale for approval/disapproval for involvement in the Covered Program despite the adverse information or unfavorable results.
  - c. Notify parent/legal guardians how to contact their child during the program in case of emergency.
  - d. Establish a procedure for the notification of minor participants' parent/legal guardian including in case of emergency.
4. Supervision of Minor Participants. All Covered Programs shall provide and supervise at least two (2) or more Authorized Adults who are responsible for supervising minor participants at all times.

In addition to at least (2) Authorized Adults, the university requires the following counselor-to-camper ratio, as established by the American Camp Association, for Covered Programs.

**Resident programs (such as sleep-away camps):**

<b>Ages of Minor Participants</b>	<b>Two Authorized for # of Participants</b>	<b>Additional Authorized Adults</b>
4-5 years old	1-10 participants	1 additional for every 5 participants e.g. 11-15 participants (3 Authorized Adults); 16-20 participants (4 Authorized Adults); etc.
6-8 years old	1-12 participants	1 additional for every 6 participants e.g. 13-18 participants (3 Authorized Adults);

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		19-24 participants (4 Authorized Adults); etc.
9-14	1-16 participants	1 additional for every 8 participants e.g. 17-24 participants (3 Authorized Adults); 25-32 participants (4 Authorized Adults); etc.
15-17	1-20 participants	1 additional for every 10 participants e.g. 21-30 participants (3 Authorized Adults); 31-40 participants (4 Authorized Adults); etc.

**Day programs (such as day sports camps):**

<b>Ages of Minor Participants</b>	<b>Two Authorized for # of Participants</b>	<b>Additional Authorized Adults</b>
4-5 years old	1-12 participants	1 additional for every 6 participants e.g. 13-18 participants (3 Authorized Adults); 16-20 participants (4 Authorized Adults); etc.
6-8 years old	1-16 participants	1 additional for every 8 additional participants e.g. 17-24 participants (3 Authorized Adults); 25-32 participants (4 Authorized Adults); etc.
9-14	1-20 participants	1 additional for every 10 participants e.g. 21-30 participants (3 Authorized Adults); 31-40 participants (4 Authorized Adults); etc.
15-17	1-24 participants	1 additional for every 12 participants e.g. 25-36 participants (3 Authorized Adults); 37-48 participants (4 Authorized Adults); etc.

5. Program Rules. Program participants shall be informed about relevant safety and security procedures, university policies, rules established and enforced by the Covered Program, and behavioral expectations. Program rules shall include an explanation of how and to whom relevant complaints may be made. Program

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participants must be told that non-compliance can result in discipline including separation from the program.

Programs with participants over 11 years old shall include in its Program Rules university regulations containing prohibitions on and requiring compliance with:

- a. [University Smoking Policy](#)
- b. [Weapons on Campus Policy](#)
- c. [Hazing Polices](#)
- d. [Sexual Misconduct Policy](#)
- e. [Discrimination, Harassment or Retaliation Policy](#)

Program rules shall prohibit the operation of a motor vehicle by minors while attending or participating in the program and unauthorized departure from university property (if applicable).

Resident programs – programs with minors in university housing – must also adopt and enforce the following:

- a. Written permission signed by the parent/guardian for the minor to reside in university housing. This permission may be part of the application for the program.
- b. An age-appropriate curfew.
- c. In-room visitation to be restricted to participants of the same gender.
- d. Guests of participants are restricted to visitation in the building lobby and/or floor lounges, and only during approved hours specified by the program.

## **B. Background Checks.**

1. Multistate Criminal Background Check. All Authorized Adults participating in a Covered Program are required to clear (a) a multistate criminal background check and (b) a National Sex Offender Registry (NSOR) screening prior to engaging in activities where they are responsible for supervising, chaperoning, or otherwise overseeing minors in program activities. The criminal background check and NSOR screening shall be retained on record with the Program Supervisor for a

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period of two (2) years from the date of the results. The Program Supervisor shall make the records available for an audit by leadership of the Approving Unit and/or any university official with responsibility for monitoring this policy. Motor vehicle violations will be considered for Authorized Adults who will transport Minor Participants.

2. Results of Background Check. If a criminal background check reveals adverse information or unfavorable results, the Review Team committee will conduct an individualized assessment using criteria designed to identify potential risk to minors consistent with Section IV.B. of the *Employee Background Checks Policy*. A prior conviction shall not automatically disqualify a person from participating in a program or activity.

Except where required by law, criminal background checks of university faculty, staff and students that are conducted pursuant to this Policy will be used only for purposes consistent with this Policy and will otherwise be kept confidential. Records of background check will be maintained separately from an individual's personnel or student file.

The cost for background checks for non-employees or subsequent background checks for university employees, volunteers and students is the responsibility of the Covered Program or the Approving Unit.

3. Re-Screening of Personnel. Authorized Adults, including university employees or volunteers, must complete the multistate criminal background check and NSOR screening within one (1) year of initial involvement with a Covered Program and every two (2) years thereafter.

### **C. Requirements for Authorized Adults.**

Authorized Adults must follow and enforce all applicable laws, university regulations and policies. Authorized Adults shall be removed from the program and/or the Covered Program may be terminated for non-compliance with these requirements.



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1. Behavioral Expectations. Authorized Adults participating in covered programs shall not:
  - a. Engage in any sexual activity, make sexual or sexually suggestive comments, tell sexual jokes or share or view sexually explicit material in any form with or within the vicinity of a Minor Participant.
  - b. Have one-on-one, private contact with a Minor Participant (e.g. behind closed door, not in public view).
  - c. Meet with Minor Participant outside of established times for program activities. Any exceptions require written parental authorization and must include more than one adult from the Covered Program.
  - d. Communicate through their personal instant message accounts, social networking websites, internet chat rooms with Minor Participant, or engage in any other form of direct electronic contact (text message, Facetime, WhatsApp) with Minor Participant without another Authorized Adult or a parent or guardian of the Minor Participant being included in the communication.
  - e. Insist that any communication with a Minor Participant is “just between the two of us” or use similar language that encourages a Minor Participant to keep secrets from their parents/guardians.
  - f. Enter a Minor Participant’s room, bathroom facility, or similar area without another Authorized Adult in attendance, consistent with the policy of not having one-on-one contact with minors.
  - g. Sleep in the same private room as any Minor Participant, except for an Authorized Adult parent or guardian of the Minor Participant.
  - h. Engage in abusive conduct or physical violence of any kind, including corporeal punishment, to the Minor Participant.
  - i. Touch a Minor Participant in a manner that a reasonable person could interpret as inappropriate. Touching should generally only be in the open and in response to the minor's needs, for a purpose that is consistent with the Covered Program's mission and culture, and/or for a clear educational, developmental, or health related (i.e., treatment of an injury) purpose. Any resistance from the Minor Participant should be respected.
  - j. Pick up or drop off Minor Participant to or from their home, other than the Authorized Adult parent or guardian of the Minor Participant, except as

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specifically authorized in writing by the minor’s parent or legal guardian. Other travel with minors must comply with the prohibition on one-on-one contact.

- k. Use, possess or be under the influence of alcohol or illegal drugs while on duty or when responsible for a Minor Participant's welfare.
  - l. Provide alcohol or illegal drugs to any Minor Participant. Authorized Adults shall not provide prescription drugs or any medication to any Minor Participant unless specifically authorized in writing by the parent/legal guardian as being required for the Minor Participant’s care or emergency treatment.
2. Complaints or Allegations Against Authorized Adults. If an allegation of misconduct has been made by a participant against an Authorized Adult participating in a Covered Program, s/he shall discontinue participation in programs and activities covered by this policy. Resolution of the allegation shall include the following steps:
- a. Accused individuals will be provided notice of the complaint and an opportunity to respond to allegations within 24 hours of receipt of a complaint.
  - b. Limited inquiry conducted by a member of the Review Team is permissible to confirm details of the allegation or rebuttal to the allegation. A full investigation shall not be conducted and a finding of responsibility or not for an institutional policy violation shall not be made. Assessment of the complaint and the response, as well as any information obtained through the inquiry, shall be conducted by the Review Team.
  - c. The Review Team shall determine if further participation by the Authorized Adult is fully permissible, permissible in a modified form, or not permissible at all based on the nature of the allegations, the status of the complainant, the status of the Authorized Adult and any aggravating or mitigating factors (e.g. previous misconduct of the same or different nature)

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- d. Alleged criminal conduct shall be reported to the William & Mary Police Department or the police in the jurisdiction where the alleged conduct occurred.
- e. See Section V for reporting information.

3. Affirmative Obligation to Disclose Violations of Policy or Arrests Authorized Adults are required to self-report any violation of behavior expectations (as set forth in Section IV.C.1 in this policy) committed by themselves or other Authorized Adults to the Program Supervisor immediately but no longer than 24 hours of the violation.

Authorized Adults are required to disclose to the Program Supervisor any arrest or criminal conviction that occurs after the background check and before the end of the Covered Program. Program Supervisors are responsible for notifying the Approving Unit and/or Department Head within 24 hours of being notified of a disclosure by an Authorized Adult for review by the Review Team committee.

## V. Mandatory Reporting

### A. Suspected Abuse or Neglect of a Minor.

Under Virginia law, all university employees and all Authorized Adults are required to report suspected abuse or neglect of a minor. The reporting requirement arises when the employee or Authorized Adult, in his or her professional or official capacity with the university or the program, has reason to suspect abuse or neglect. This requirement does not apply to licensed psychologists in the course of providing psychological and counseling services to minors.

The law requires reports to be made as soon as possible, but no longer than 24 hours after having reason to suspect the abuse.

Reports must be made to the Department of Social Services toll-free child abuse and neglect hotline (in Virginia: 800-552-7096) or to the local department of social services. A listing of local social services agencies is available online at [www.dss.virginia.gov/localagency](http://www.dss.virginia.gov/localagency). The abuse or neglect can be reported to the department of the county or city where the minor resides or where the abuse or neglect is believed to have occurred.

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If the individual suspecting the abuse or neglect has actual knowledge that the same matter has already been reported, he or she does not need to report.

The person reporting must disclose all information that is the basis for the suspicion of abuse or neglect; if requested, the person reporting must make available any information, records, or reports that document the basis of the report, unless disclosure violates FERPA, a federal law that protects student records. (Information about FERPA is available in the university’s Student Records Privacy Policy, [on the Registrar’s website](#).)

Under Virginia law, good-faith reporters are immune from any civil or criminal liability resulting from reports of abuse or neglect of minors, unless such reports are made in bad faith or with malicious intent.

More information, including guidance on what constitutes and how to identify child abuse, is available in the “Guide for Mandated Reporters in Recognizing and Reporting Child Abuse and Neglect” published by the Commonwealth of Virginia’s Department of Social Services, available [online](#).

## VI. Enforcement

A Hosted Program must provide the Approving Unit satisfactory evidence of compliance with all of the prerequisites of this policy at least twelve (12) calendar days prior to the scheduled use of university facilities.

Covered Programs must be able to provide satisfactory evidence of compliance of all of the prerequisites of this policy at least ten (10) calendar days prior to the scheduled use of university facilities to either the university, department or unit or with the Approving Unit.

- A. **Failure to Comply.** Violations of this policy should be reported to the head of the Approving Unit or the Office of Compliance & Equity. Failure to comply with the requirements set forth in this policy may lead to disciplinary action, including termination, and/or revocation of the opportunity to use university facilities and land. William & Mary supports an environment free from retaliation.
- B. **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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Violations involving actual or suspected abuse or neglect of a minor must be reported as described in Section IV(D) of this Policy.

The Office of Compliance & Equity is responsible for interpretations of this policy.

### **Approval and Amendment**

This policy was approved by [\_\_\_\_\_].

### **Related Policies and Procedures**

Employee Background Checks [Policy](#) and [Procedure](#)  
[Sexual Misconduct Policy](#)  
[Crime Reporting Policy](#)