

**Policy 3117
Programs Involving Minors (Non-Residential)**

**Date of Current Revision: April 2016
Primary Responsible Officer: Vice Provost for Academic Development**

1. PURPOSE

To provide for appropriate supervision of minors who are participating in university-supported programs and/or endorsed programs held at the university and using university facilities.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia section 23-164.6; 23-9.2:3. The Board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND/OR REGULATION

Code of Virginia §63.2-1509 provides that all employees of a public or private institution of higher education are required to report instances of child abuse or neglect.

3. DEFINITIONS

Authorized Adult

All individuals, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee minors in programs or in recreational and/or residential facilities associated with the programs. This includes, but is not limited to: faculty, staff, volunteers, graduate and undergraduate students, interns, employees of temporary employment agencies, and independent contractors/consultants.

The authorized adults' roles may include positions as counselors, chaperones, coaches, instructors, drivers, etc. Authorized adults are considered to be mandatory reporters of child abuse and neglect, as defined by Virginia law. Further guidance on mandatory reporters is provided in Policy [1406](#).

Authorized Adults Criminal Records Checks

A review of the potential or current authorized adult's record of criminal convictions and traffic violations.

Camps

Programs that are residential and require overnight stays.

Conference Services

The administrative unit of the university, which oversees summer conference operations.

Direct Contact

Care, supervision, guidance or control of minors and/or routine interaction with minors during the program.

Endorsed or Approved Program

A program sponsored and/or staffed by a non-university group or organization that has received authorization from the university to hold the program at the university.

Harassment

A form of discrimination consisting of unwelcome or offensive physical, verbal or written conduct

that shows aversion or hostility toward a person on the basis of age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation or veteran status in the following situations:

1. When submitting to or rejecting the conduct is made the basis for an evaluation, personnel action, or recommendation for a personnel action affecting an employee, or an evaluation, action or recommendation for an action affecting a student; or
2. When the conduct has the purpose or effect of unreasonably interfering with the performance of an employee or a student, and the conduct creates a hostile, intimidating or offensive learning or working environment.

Harassment specifically includes instances of sexual violence of any type perpetrated against a member of the university community.

Hosting Organization

The university or non-university organization responsible for enrolling participants and supervising the daily operations of the program.

One-On-One Contact

Personal, unsupervised interaction between any authorized adult and a minor participant without at least one other authorized adult, parent, or legal guardian being present.

Minor

A person who is under 18 years old.

Non-Residential Programs

Activities offered by various academic or administrative units of the university or by non-university groups using university facilities. This includes, but is not limited to: workshops, sport camps, academic camps, conferences and similar activities where minors come to the university or any property controlled by the university for multiple days, including overnight, to participate in specific activities. The activities may span part of a day or multiple days, but do not include residential stays on campus.

Sponsoring Unit

The academic or administrative unit of the university which offers a program or gives approval for housing or use of facilities for a program. The Office of Conference Services is not considered as a Sponsoring Unit.

Supported Program

A program sponsored by a university department or unit.

University Facility

All buildings or properties owned by, or under the control of, the university.

University Housing

Residential facilities owned by, or under the control of, the university.

4. APPLICABILITY

This policy applies to all programs involving minors.

5. POLICY

The university will take appropriate steps to ensure the safety of minors participating in university

supported, approved and endorsed programs. All university endorsed non-residential programs that involve minors are required to follow these procedures. No university non-residential programs involving minor participants will be supported, approved, or endorsed until certification of adherence to these procedures is obtained. Unauthorized non-residential programs involving minors are prohibited from the university facilities and grounds.

Each sponsoring unit must have a university administrator who will be responsible for ensuring that policy requirements are communicated to every endorsed non-residential program, and ensuring that every non-residential program complies with these policy requirements. When hosting organizations contract directly with Conference Services, the Conference Services office will be responsible for ensuring that policy requirements are communicated to the hosting organization and ensuring that the hosting organization complies with these policy requirements.

6. PROCEDURES

6.1 A hosting organization offering or approving a non-residential program that involves minors:

6.1.1. Must register the program with a Sponsoring Unit or with Conference Services.

6.1.2. Must ensure that all authorized adults have annually completed the training specified in this policy.

6.1.3. Must provide a list of all non-residential program participants and a directory of program staff to the Sponsoring Unit or to Conference Services in advance. Sponsoring units and Conference Services will provide a copy of the list and directory to the JMU Public Safety Office (samples available through Conferences Services office). The list should minimally include:

1. Participants' names
2. Local room assignments (if applicable)
3. Gender
4. Emergency contact information.

6.1.4. Must establish procedures for providing parents/legal guardians with written material on non-residential program activities and contact information (samples available through Conferences Services office). *Training will be provided.*

6.1.5. Must obtain a completed Medical Treatment Authorization form from each non-residential program participant (samples available through Conferences Services office). All forms should include the following:

1. A statement informing the parent/legal guardian that the university does not provide medical care or medical insurance for the minor.
2. A statement authorizing the release of medical information (HIPAA) and emergency treatment in case the parent/legal guardian contact cannot be reached for permission, along with the name and contact information for the minor's physician and insurance information.
3. A list of any physical, mental or medical conditions the minor has, including any allergies that could impact her/his participation in the program.
4. All emergency contact information including name, address and phone number of the emergency contact.

6.1.6. Must establish a procedure for the notification of the minor's parent/legal guardian in the case of an emergency (samples available through Conferences Services office). *Training will be provided.*

6.1.7. Must develop and publish a policy and procedure for the possession and distribution of approved medications for minors while attending the non-residential program (samples available through Conferences Services office). *Training will be provided.*

6.1.8. Must provide information to a parent or legal guardian detailing the manner in which the participant can be contacted during the non-residential program (samples available through Conferences Services office). *Training will be provided.*

6.1.9. Must develop and make available to participants the rules and disciplinary measures applicable to the non-residential program (samples available through Conferences Services office). Program participants and staff must abide by all university regulations and may be removed from the program for non-compliance with the rules. *Training will be provided.* Rules must include, but are not limited to:

1. The possession or use of alcohol and other drugs, tobacco products, fireworks, guns and other weapons by any authorized adult or participant is prohibited. Smoking is prohibited in all university buildings (Policy [1111](#)).
2. The operation of a motor vehicle by minors is prohibited while attending and participating in the program.
3. The parking of program staff and participant vehicles must be in accordance with university parking regulations.
4. Rules and procedures governing when and under what circumstances participants may leave university property during the program must be specified. In no circumstances may minors be allowed to leave university property without being accompanied by appropriate authorized adults.
5. No violence by any authorized adult or participant, including sexual abuse or harassment, will be tolerated.
6. Hazing of any kind by any authorized adult or participant is prohibited. Bullying, including verbal, physical, and cyber, are prohibited.
7. No theft by any authorized adult or participant will be tolerated.
8. Misuse or damage of university property by any authorized adult or participant is prohibited. Charges will be assessed against those participants who are responsible for damage or misusing university property.
9. The inappropriate use of cameras, imaging and digital devices by any authorized adult or participant is prohibited, including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.

6.1.10. The non-residential program must provide and supervise trained authorized adults in accordance with the following:

1. The gender mix of authorized adults should reflect the gender mix of the participants.
2. Training for the authorized adults must include, at a minimum, information about responsibilities and expectations; policies, procedures, and enforcement; appropriate crisis/emergency responses; safety and security precautions; confidentiality issues involving minors; and university responsibility/liability. Authorized adults must know how to contact local emergency services and how to report suspected child abuse (counselors are considered to be mandatory reporters as defined by the Code of Virginia §63.2-1509). An authorized adult who will be participating in a program covered by this policy must attend training on the conduct requirements of the code, on protecting participants from abusive emotional and physical treatment, and on appropriate or required reporting of incidents of improper conduct to the proper authorities including, but not limited to, appropriate law enforcement authorities. *Training must be completed annually.*
3. Responsibilities of the authorized adults must include, at a minimum, informing non-residential program participants about safety and security procedures, university rules, rules established by the program and behavioral expectations. Authorized adults are

responsible for following and enforcing all rules and must be able to provide information included herein to program participants and be able to respond to emergencies. *Training will be provided.*

6.1.11. Must have a plan for contacting first responders or emergency medical services and for granting these responders access to all locations used in conjunction with the non-residential program (samples available through Conferences Services office). *Training will be provided.*

6.1.12. Must ensure that Criminal Records Checks on all authorized adults participating in the non-residential program are satisfactorily completed (samples available through Conferences Services office). All authorized adults who have direct contact with minors are required to have a current criminal record check on record with the hosting organization at the time of hire and/or beginning work with minors. This criminal records check must be reviewed and approved by the hosting organization. Approval shall not be authorized for registered sex offenders, persons convicted of a felony or persons convicted of certain misdemeanors. *Training will be provided.*

The hosting organization must submit an affidavit to the sponsoring unit or to Conference Services certifying compliance with this requirement in advance. Authorized adults who are JMU employees must follow JMU Policy [1321](#) - Criminal Background Checks. Non-JMU employees may use this policy as guidance in securing Criminal Records Checks. The expense for Criminal Records Checks will be borne by the hosting organization and should be considered when calculating program fees. *Training will be provided.*

6.1.13. Must designate a contact staff member who is at least 21 years of age to be accessible to participants at all times during the non-residential program. Additional authorized adults should be assigned to ensure inappropriate one-on-one contact with minors does not occur and that appropriate levels of supervision are implemented. *Training will be provided.*

6.1.14. Must, when working in JMU laboratories, follow appropriate safety measures adopted by the university for all laboratory and research work performed in the non-residential program. *Training will be provided.*

6.1.15. Must, if a supported non-residential program, obtain all media and liability releases as part of the program registration process (samples available through Conferences Services office). All data gathered shall be confidential, is subject to records retention guidelines and shall not be disclosed, except as provided by law. *Training will be provided.*

6.1.16. Must ensure adequate supervision of minors while they are on university property. All non-residential programs involving minors should be supervised by at least two or more authorized adults or by their parent(s) or legal guardian(s) at all times. Some of the factors to consider in determining "adequate supervision" are the number and age of participants, the activities involved, the type of housing if applicable, and the age and experience of the counselors. *Training will be provided.*

The American Camp Association recommends the following ratios of adults to participants:

- One staff member for every five campers ages 4 and 5
- One staff member for every six campers ages 6 to 8
- One staff member for every ten campers ages 9 to 11
- One staff member for every 15 campers ages 12 to 17

6.1.17. Must ensure authorized adults participating in non-residential programs covered by this policy do not:

1. Have inappropriate one-on-one or electronic contact with minors.

2. Engage in abusive conduct of any kind, neither with a minor nor in the presence of a minor.
3. Strike, hit, administer corporal punishment to or touch in an inappropriate or illegal manner any minor.
4. Engage in rough or sexually provocative games, including horseplay
5. Allow inappropriate touching, including between minors
6. Swear, use or respond to sexual innuendo or make sexually suggestive comments
7. Shower, bathe or undress with or in the presence of minors
8. Tell minors “this is just between the two of us” or use similar language that encourages minors to keep secrets from their parents/legal guardians.
9. Pick up minors from or drop off minors at their homes, other than the driver’s child(ren), except as specifically authorized in writing by the minor’s parent or legal guardian.
10. Use or provide alcohol or illegal drugs to any minor.
11. Provide prescription drugs or any medication to any minor unless specifically authorized in writing by the parent or legal guardian as being required for the minor’s care or the minor’s emergency treatment.
12. Make sexual materials in any form available to minors participating in programs or activities covered by this policy or assist them in any way in gaining access to such materials. *Training will be provided.*

6.1.18. Must ensure, in the event of an allegation of inappropriate conduct being made against an authorized adult participating in a non-residential program, that the authorized adult discontinue any further participation in programs covered by this policy until such allegation has been satisfactorily resolved. *Training will be provided.*

Authorized personnel/signatories for non-university groups using university facilities must provide to the sponsoring unit or to Conference Services satisfactory evidence of compliance with all of the requirements of this policy prior to the scheduled use of university facilities, as well as sign an approved agreement for use of university facilities, if applicable (samples available through Conferences Services office). Academic or administrative unit heads sponsoring a non-residential program must sign off on adherence with these requirements prior to the scheduled program. *Training will be provided.*

6.1.19. If a non-residential program participant discloses any type of assault or abuse (at any time previous to or during the program) or an authorized adult has reason to believe that the participant has been subject to such assault or abuse, the authorized adult, as a mandatory reporter under Code of Virginia §63.2-1509, must inform the program director, JMU Public Safety and other appropriate offices/agencies immediately. Authorized adults must make all reasonable efforts to ensure the safety of minors participating in programs and activities covered by this policy, including removal of minors from dangerous or potentially dangerous situations, irrespective of any other limitation or requirement. Reporters must be protected from retaliation, i.e.: individuals shall not retaliate against a person who reports a violation of policy. *Training will be provided.*

7. RESPONSIBILITIES

Sponsoring units and Conference Services will ensure hosting organizations falling under their purview fully comply with the requirements and procedures of this policy.

Risk Management will review the university contracts and agreements issued to endorsed non-residential programs to ensure compliance with safety controls, insurance coverage, medical releases, indemnification, parental agreements and other risk-management issues.

University Counsel will review the university contract for services and any agreement for housing related to endorsed non-residential programs to ensure that such contracts contain necessary provisions for the safety and well-being of minors involved in the program.

Vice presidents will ensure an administrator is designated for each endorsed non-residential program sponsored by their division.

Sponsoring unit administrators will be responsible for ensuring that policy requirements and procedures are communicated to every endorsed non-residential program, and ensuring that every endorsed non-residential program complies with these policy requirements.

8. SANCTIONS

Regarding employees, sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

Regarding students, sanctions will be commensurate with the severity and/or frequency of the offense and may include suspension or expulsion.

9. EXCLUSIONS

The following activities are excluded from this policy, but must be in compliance with departmental policies:

- Academic Unit Open Houses
- Attendance in a university course as an enrolled student
- Continuously enrolled students during university breaks
- Field trips
- Individualized instruction (e.g.: music lessons, formal mentoring programs)
- Middle-school visits (officially recognized programs which support groups of middle-school students visiting the JMU campus)
- Office of Admissions programs
- Performances, shows, exhibitions, etc. which are open to the public
- Prospective student athletes - official and unofficial visits
- “Take a Look” and “Prospectives Weekend”

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the Director of University Unions.

Previous Version: N/A

Approved by the President: April 2016