



Protection of Minors and Reporting Abuse

OFFICE FOR DIVERSITY, EQUITY & INCLUSION
THE UNIVERSITY OF VIRGINIA'S COLLEGE AT WISE

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CAMPUS SECURITY-CLERY ACT: *UVA WISE is committed to helping the campus community provide for their own safety and security. The Annual Security Report and Fire Safety Report containing information on campus security and personal safety, including alerts, fire safety, crime prevention tips, and crime statistics is available at www.uvawise.edu/ASR. A copy is available upon request by calling 276-328-0190 or 276-376-3451.*

The University of Virginia’s College at Wise is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award the baccalaureate degree. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of The University of Virginia’s College at Wise.

INTRODUCTION

UVA WISE (the “College”) is committed to maintaining a respectful, professional and nondiscriminatory environment. The College is committed to providing a safe and secure environment for minors participating in College-sponsored programs and activities on College property and in College facilities or under the authority of the College at other locations. To safeguard these individuals and provide for their well-being and comply with applicable laws, the College has established minimum requirements for those who work with or interact with individuals under the age of 18.

DEFINITIONS

Additional terms used in this policy are defined below.

Affiliated Persons: (1) Students who are registered or enrolled for credit-bearing coursework and who are seeking a degree and (2) College employees, consisting of all full-time and part-time faculty, College staff, classified staff, wage employees (including temps), professional research staff, and post-doctoral fellows.

Student: A new or re-admitted student will be considered enrolled if the following conditions are met: 1) the student is pre-registered for courses in any term (fall, spring or summer); and 2) the student’s attendance in at least one class has been verified. After classes begin, students need to be attending classes in order to continue their enrollment status. Students are considered continuously enrolled when they are registered for consecutive fall and spring terms. In addition, those who arrive to campus prior the start of classes for official College functions including, but not limited to student employment, trainings, athletics, band, Expedition are considered UVA WISE students.

Employee: Categories of individuals employed at UVA WISE include:

- **Classified Staff:** A salaried non-faculty employee hired before July 1, 2006 and covered by the Virginia Personnel Act and State Human Resource policies.
- **University Staff:** A salaried non-faculty employee, including transfers from other state agencies, hired on or after July 1, 2006 and covered by University Human Resources policies.
- **Academic Faculty:** Members elected initially in positions whose major emphasis is on teaching and research. In addition, members employed initially in academic administrative positions with some responsibilities for teaching and research and who possess suitable academic qualifications may be designated members of the Academic Faculty, if deemed appropriate by the Chancellor, the Provost, and the Academic Dean.
- **General Faculty:** Members employed, usually before July 1, 2006, in administrative positions with minimal responsibilities for teaching and research.

Child Abuse and Neglect: Physical abuse, physical neglect, sexual abuse, or emotional/mental maltreatment of a child.

College Facility: Any defined space of the College, including a room, lab, series of labs, building, or controlled outdoor area.

College Property: Land or buildings that the College owns or leases and that is under the control of the Board of Visitors. College property also includes premises the College uses for activities of its offices, departments, personnel, or students

Covered Program: An organized program involving direct contact with minors that is sponsored by a College academic or administrative unit and takes place on or off College property. In addition, an organized program involving direct contact with minors conducted by a third party that takes place on College property.

Covered Program Staff: All individuals who work with or otherwise come into direct contact with minors in a covered program. This includes members of the College (faculty, staff, and students), volunteers, and all individuals employed by, contracted by, or volunteering for a third party for a covered program.

Direct Contact: Care, guidance, control, or supervision of minors in one-to-one or group settings.

Minor: An individual under the age of 18.

Organized Program: An academic, athletic, or recreational activity offered to minor participants. This includes, but is not limited to, summer camps, sports camps, academic camps, theater camps, music camps, workshops, conferences, competitions, group experiential learning opportunities, and other enrichment programs. Organized programs can be residential or non-residential.

Responsible Employee: Title IX uses the concept of notice, and imposes obligations on colleges and universities when a report of a sex/gender discrimination or harassment is given to a “responsible employee.” Every faculty, staff, and volunteer on campus who works with students or minors, and every person identified as a Campus Security Authority (CSA) under the Clery Act must immediately report to the Title IX Coordinator any Prohibited Conduct reported to them or observed by them, including the name of the complainant and respondent, if known, and all known details as a “Responsible Employee”. The College requires everyone in the campus community, including Confidential Employees, to report the suspected abuse of children (those under the age of 18).

Sponsoring Unit: An academic or administrative unit that is responsible for the coordination of space usage and/or for conducting the covered program activity.

Third Party: An organization or individual or external program from outside of the College that uses College facilities to conduct a covered program pursuant to an approved contract or other use agreement with a sponsoring College academic or administrative unit. For example, athletic camp or academic camp.

Visiting Faculty: Visiting faculty visit the College for a short term, usually one year or less. During their appointment at the College, they hold faculty rank as described in the appointment letter. Visiting faculty may serve with or without pay.

Volunteer: An individual permitted under specific conditions to perform activities on behalf of the College, but who is not an employee of the College and, therefore, is not generally entitled to the benefits granted to employees.

POLICY STATEMENT

All affiliated persons, visiting faculty, visiting scholars, and volunteers who work with or interact with minors are expected to be familiar with and comply with the provisions of this Policy, any related College policies, and applicable procedures. This includes a program or activity conducted on College property, in a College facility, or under the authority of the College at another location. In addition, third parties who are being sponsored by a College academic or administrative unit for use of a College facility must adhere to this Policy and associated procedures.

REPORTING SUSPECTED CHILD ABUSE AND NEGLECT

All affiliated persons, visiting faculty, volunteers, and third-party members of the College community who, in their professional or official capacity have reason to suspect child abuse or neglect, must report the matter immediately to:

1. The local department of social services of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Virginia Department of Social Services (DSS) toll-free child abuse and neglect hotline 1-800-552-7096.

and to:

2. The College's Office for Diversity, Equity & Inclusion in person/via phone at 276-870-5065 or to the University Office of Youth Protection via phone at 513-319-7050 or email at youthprotection@virginia.edu and dei@uvawise.edu.

If the suspected child abuse or neglect presents an imminent danger or emergency, contact 911 immediately.

No person is required to make a report if the person has actual knowledge that the same matter has already been reported to the Department of Social Services' child abuse and neglect hotline and the College's Office of Compliance & Inclusion. If there is any doubt about whether a report has been made or included all relevant information, an additional report shall be made.

Protection for Reporting Parties:

Pursuant to Virginia Code § 63.2-1509, any person who makes a report or provides records or information pursuant to subsection A or who testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such person acted in bad faith or with malicious purpose.

REQUIREMENTS AND REGISTRATION

Requirements for Programs and Activities involving Minors:

- 1. Sponsoring Unit:**

All covered programs must have a College sponsoring unit, and the sponsoring unit must identify a designee to coordinate the registration, background check, and training process.

Third parties must adhere to the provisions of policies pertaining to solicitation, advertising, use of copyrighted materials, and publicity. These policies can be found in both the [Student Government Handbook](#) and the [Student Handbook](#).

2. Registration and Approval:

Covered programs must be approved by the head of the sponsoring unit. A sponsoring unit designee is responsible for registering programs with the University Office of Youth Protection. Access to the Youth Protection Portal to register programs can be requested by emailing youthprotection@virginia.edu and copying dei@uvawise.edu. Registration must be completed no later than thirty (30) calendar days prior to the commencement date of the program.

The covered program will not be approved to operate if required registration information is missing, or if minimum covered program staffing ratios are not met based on the anticipated number of minors attending the covered program.

The following programs and activities are *not* considered covered programs:

- College classes that have matriculated or enrolled students under the age of 18;
- Events such as sporting events, concerts, festivals, speaker series, and other educational or entertainment events on College property that are open to the general public where minors may be present but are not in the care or custody of College staff;
- Programs or activities where the expectation is a minor's parent or guardian will be present;
- College residential housing programs where the only minors participating in the program are (i) College undergraduate or graduate students; or (ii) dependents of College students or employees residing with the student/employee in College residential housing for families.
- Preschool through 12th grade school groups visiting College premises for the purpose of conducting tours or as patrons of educational or entertainment events with the students being in the care and custody of the touring or visiting staff;
- Research programs that are subject to the Institutional Review Board guidelines, policies, and oversight for research involving human subjects;
- Non-College programs where the only involvement of the College is in assisting with the placement of College students as volunteers, interns, etc. and the program is not located on College property; and
- College programs where the only involvement of a minor is in the capacity as an employee, intern, observer, or volunteer. (For policies and procedures relevant to minors participating as volunteers in College programs, see [HRM-001: Authorization and Engagement of Volunteers](#).)

Any third party conducting a covered program on College property must have coverage of insurance and must contact the Office of College Services prior to the covered program to confirm coverage level.

BACKGROUND CHECKS

In addition to HRM-034 requirements for employee background checks, a background check must be completed for all covered program staff.

Background checks must be completed for new covered program staff prior to a covered program staff member having any direct contact with minors as part of a covered program. For covered program staff not subjected to HRM-034, a background check with a satisfactory outcome completed within twenty-four months prior to the start of the covered program will satisfy this requirement.

The background completion date for each covered program staff member must be included in the registration with the University Office of Youth Protection.

Background checks must comply with the Fair Credit Reporting Act (FCRA) and cover a minimum of seven (7) years of Criminal History verification at the county, national, and international (if applicable) levels, in addition to a national Sexual Offender check. Background checks must have been completed within the previous twenty-four months of the covered program session start-date.

Each sponsoring unit or their designee will be required to submit the background check results to the University Office of Youth Protection for all covered program staff at least 72 hours prior to the start of the covered program session. Should a covered program staff person be an employee of the College who has had a College-run background check in the last twenty-four months, the sponsoring unit may indicate that on the submission form.

Covered program staff may not work in any covered program until their background check is completed, reviewed, and approved.

Affiliated persons must obtain background checks through the College. If third party, visiting faculty/scholars, and volunteer covered program staff wish to use a background check not obtained through the College, prior approval must be received from the University Office of Youth Protection.

ONGOING RESPONSIBILITY TO DISCLOSE CRIMINAL CONVICTIONS

See [the Virginia DHRM Standard of Employee Conduct Standard](#) for details on employees' ongoing responsibility to disclose criminal convictions. From the date of the last background check, any covered program staff convicted for any crime (excluding moving traffic violations) has five (5) calendar days to report the conviction. In accordance with HRM-034, College employees should disclose via the online employee conviction disclosure form.

Covered program staff who are students should report in accordance with the [College's Student Handbook](#).

Covered program staff who are not employees should report via the disclosure form on the [Office for Diversity, Equity & Inclusion](#) webpage.

TRAINING

In addition to any training required by a department or sponsoring unit, all covered program staff are required to complete the College's online Youth Protection training module, provided by the University, at least 72 hours prior to the start of the covered program. Returning covered program staff must complete the Youth Protection training module every twenty-four months.

POLICY EXCEPTIONS

The Office for Diversity, Equity & Inclusion and the Office of Youth Protection must approve exceptions to this Policy.

CODE OF CONDUCT

Covered program staff are expected to adhere to a code of conduct at all times. See [Appendix A](#) for covered program staff code of conduct.

RATIOS OF COVERED PROGRAM STAFF TO MINORS

For residential covered programs, the minimum number of covered program staff to minors will be one covered program staff per the ratios below:

Age Group	Number of Minors	Staffing Requirement
4 - 5 years old	5	Minimum of 1 covered program staff per the number of minors noted by age group. Example: group of 6 "4 – 5 years old" requires 2 staff members.
6 - 8 years old	6	
9 - 14 years old	8	
15 - 17 years old	10	

For non-residential covered programs, the minimum number of covered program staff to minors will be one covered program staff per the ratios below:

Age Group	Number of Minors	Staffing Requirement
4 - 5 years old	6	Minimum of 1 covered program staff per the number of minors noted by age group. Example: group of 13 "4 – 5 years old" requires 3 staff members.
6 - 8 years old	8	
9 - 14 years old	10	
15 - 17 years old	12	

For covered programs with minors under the age of four, contact the University Office of Youth Protection for guidance on ratios.

RESPONSIBILITIES

College employees are responsible for:

- If in their professional or official capacity they have reason to suspect child abuse or neglect, reporting suspected child abuse or neglect to the Virginia Department of Social Services (DSS) via the toll-free child abuse and neglect hotline 1-800-552-7096 and to The Office for Diversity, Equity & Inclusion or the University Office of Youth Protection as soon as possible but not longer than 24 hours after having reason to suspect an offense.

The UVA **Office of Youth Protection** is responsible for:

- Determining if a program or activity is to be considered a “covered program;”
- Providing centralized program registration and Youth Protection training;
- Approving a covered program to operate based on compliance with registration; training, and background checks;
- Collecting reports of suspected child abuse and neglect; and
- Maintaining a list of covered programs.

The UVA Wise **Office for Diversity, Equity & Inclusion** is responsible for:

- Being the liaison office between Wise and Charlottesville to communicate and coordinate.
- Assisting UVA Office of Youth Protections around:
 - Knowledge of a program or activity is to be considered a “covered program;”
 - Promoting the centralized program registration and Youth Protection training;
 - Encouraging any and all registration; training, and background checks;
 - Collecting reports of suspected child abuse and neglect; and
 - Assisting with maintaining a list of covered programs at Wise.

The **Sponsoring Unit** of a covered program is responsible for:

- Designating someone to oversee completion of covered program registration and completion of background checks and required Youth Protection training; Covered programs must be approved by the head of the sponsoring unit. *(See Page 4- A sponsoring unit designee is responsible for registering programs with the University Office of Youth Protection. **Access to the Youth Protection Portal to register programs can be requested by emailing youthprotection@virginia.edu and copying dei@uvawise.edu. Registration must be completed no later than thirty (30) calendar days prior to the commencement date of the program)***
- Immediately notifying The Office for Diversity, Equity & Inclusion of any non-compliance;
- Obtaining coverage of insurance for covered programs conducted by third-parties and contacting the Office of College Services to confirm coverage; and
- Ensuring unaffiliated persons have met all facilities requirements for programs.

The **Head of a Sponsoring Unit** is responsible for:

- Confirming that a covered program is in keeping with the educational mission of the College; and

- Immediately notifying The Office for Diversity, Equity & Inclusion of any non-compliance.

Covered Program Staff are responsible for:

- If in their professional or official capacity they have reason to suspect child abuse or neglect, reporting suspected child abuse or neglect to the Virginia Department of Social Services (DSS) via the toll-free child abuse and neglect hotline 1-800-552-7096 and to The Office for Diversity, Equity & Inclusion or the University Office of Youth Protection as soon as possible but not longer than 24 hours after having reason to suspect an offense.
- Immediately notifying The Office for Diversity, Equity & Inclusion of any non-compliance;
- Completing required Youth Protection training at least 72 hours prior to the start of the covered program;
- Completing background check requirements at least 72 hours prior to the start of the covered program;
- Establishing procedures for formal transition for custody of care; and
- Submitting training and background check completion information to the sponsoring unit.

COMPLIANCE WITH POLICY

Any person required to make a report and who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, may be fined not more than \$500 for the first failure, and not less than \$1000 for subsequent failures. Persons who knowingly and intentionally fail to make reports in cases involving rape, sodomy, or object sexual penetration, may be guilty of a Class 1 misdemeanor.

Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination in accordance with relevant College policies.

Failure to comply with this policy by unpaid volunteers, interns, and visiting faculty/scholars may result in an end of the assignment.

Failure to comply with this policy by students may result in disciplinary action.

Failure to comply with this policy by third party covered program staff may result in disciplinary action that requires immediate removal from direct contact with minors, and/or College property and facilities.

Questions about this policy should be directed to the Office for Diversity, Equity & Inclusion.

PROCEDURES AND RELATED INFORMATION

[The University of Virginia's College at Wise Office for Diversity, Equity & Inclusion](#)

[Information Regarding Criminal Background Checks](#)

[Sexual Misconduct and Interpersonal Violence Policy](#)

[Use and Management of College-Owned Vehicles](#)

[Student Handbook](#)

[Code of Virginia § 63.2-1509](#): Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; penalty for failure to report.

APPENDIX A: CODE OF CONDUCT

Covered program staff must not engage in any behavior that could cause harm or be misinterpreted as possibly causing harm. Covered program staff will meet the following code of conduct at all times:

- No one-on-one contact with minors is permitted outside the presence of others.
- No meeting with minors outside of established times for program activities.
- No presence or consumption of tobacco, alcohol, or illegal drugs.
- No presence or use of firearms or weapons of any kind.
- No presence or use of or sexually explicit literature or other media of any kind.
- No engaging in any sexual activity, making sexual comments, telling sexual jokes, or sharing sexually explicit material (or assist in any way to provide access to such material via any medium) with or around minors.
- No gifts between covered program staff and individual minors.
- No inappropriate use of cameras, audio or video equipment, or computers.
- No touching minors in a manner that a reasonable person could interpret as inappropriate.
- No engaging in any abusive conduct of any kind toward, or in the presence of, a minor, including but not limited to verbal abuse, striking, hitting, punching, poking, spanking, or restraining.
- No showering, bathing, or undressing with or in the presence of minors.
- No direct electronic contact with minors without another designated individual included in the communication.
- No inviting individual minors to your home or any other non-program location. Any exceptions should require prior written authorization by both the covered program director and a parent/guardian of the involved minor.
- No posting of photos of minors on social media without prior parental consent.
- No giving out of information about a minor such as housing location, to anyone. Maintain confidentiality of all minors.