

ELIZABETH CITY STATE UNIVERSITY Protection of Minors on Campus Policy

PURPOSE

Elizabeth City State University (“ECSU” or “University”) is committed to protecting minors on campus who are participating in University or third-party sponsored covered programs on university property. To ensure a safe and welcoming environment for minors on campus, the University adopts this policy.

To the extent that any section of this policy conflicts with UNC System policy, as may be amended from time to time, the UNC System policy shall prevail. To the extent that any section of this policy conflicts with local, federal, or North Carolina State laws, each of which may be amended from time to time, the applicable law shall prevail.

I. DEFINITIONS

A. Covered Individuals

All individuals 18 years old or older, including employees, volunteers, and students of the University and owners, employees, and volunteers of third-party entities operating a Covered Program, who work closely with, supervise, instruct, or otherwise come into direct, non- incidental contact with minors in a Covered Program.

Invited guest speakers, guest lecturers, or guest instructors whose interaction with minors is limited, and only in the presence of a Covered Individual, are not considered Covered Individuals.

B. Covered Programs

Covered Programs are activities or programs primarily serving or including minors and are either:

1. Conducted by the ECSU, whether located on university property or elsewhere; or
2. Conducted by a third-party individual or organization on university property.

Covered Programs include, but are not limited to, academic camps, athletic camps, and other enrichment programs, whether daytime only or overnight programs.

Covered Programs generally do not include externally sponsored field trips or visits that bring minors on to University property; programs or events that are open to the general public, such as concerts or theatrical performances; or programs designed exclusively for students enrolled or matriculated at ECSU.

C. Program Organizer

The third-party organization, recognized student organization, or University

department, unit, or employee that organizes or is responsible for the overall administration of a Program.

D. Mandatory Reporter

In accordance with North Carolina State Law (G.S. 7B-301), a mandatory reporter is any member of the University community who reasonably suspects that a minor has been abused or neglected by a parent, guardian, custodian, caretaker, or Covered Individual, has an absolute obligation to report that suspicion to the appropriate County Department of Social Services (County DSS), regardless of where the offense occurred. ECSU extends this guidance to encompass reporting all child abuse or neglect by any offender.

E. Minors

Minors are defined as individuals who are younger than 18 years of age and are participating in a Covered Program. This policy does not apply to students under the age of 18 who are enrolled or matriculated at the ECSU, or who are enrolled in a co-operative innovative high school pursuant to G.S. 115C-238.50 et seq.

F. Third Party Program

A camp, clinic, activity, or program conducted by a Third-Party individual or organization. The program is not associated with the University except that the External Program is operated on University Property. A Third-Party Program is a Covered Program under this Policy.

G. University Community

University faculty, staff, interns, students, temporary employees, visiting scholars, volunteers, and any other University affiliates.

H. University Property

University Property means all campus grounds, buildings, facilities, stadiums, or other improvements, which are owned, leased, used, or otherwise controlled by the University.

II. REGISTRATION AND APPROVAL

All programs, activities, or events for minors, regardless of whether they are considered Covered Programs, must be registered and approved by ECSU prior to the initiation of the program or activity. The program organizer and Vice Chancellor or division head are equally responsible for ensuring that the University Police have a copy of the list of all Covered Programs operating on campus at least 30 days before the Covered Program starts, which must include the names and phone numbers of appropriate program organizers and the Division head. All programs continuously or periodically operating must be re-registered and approved by ECSU at least annually and such registration materials must be submitted to the Vice Chancellor, or division head, from the Division under which the program or activity is operating, unless otherwise designated at least 60 days prior to the start of the program or activity, excluding holidays and days when the university is closed. All third-party programs, activities, or events must submit

registration materials to the Vice Chancellor, or division head, from the Division under which the program or activity is operating, unless otherwise designated, no less than 90 days, excluding holidays and days when the university is closed, prior to the start of the program or activity. The registration should include, at a minimum, the following:

- A. A description of the proposed Covered Program;
- B. A responsible party or sponsor for the proposed Covered Program (Sponsor);
- C. The designated university administrator or officer supporting the program;
- D. The period of time for which the Covered Program will operate;
- E. The expected number of employees and/or volunteers involved and minors served;
- F. An acknowledgment of relevant university policies, including requirements for background checks, training, insurance, parking access, and facilities use;
- G. An acknowledgment of state mandatory reporting requirements related to suspected abuse or neglect of a minor;
- H. For third party vendors, a statement acknowledging that ECSU may monitor compliance with requirements for operating a Covered Program; and
- I. The name or position of the university administrator or officer with responsibility for approving the proposed Covered Program.

III. BACKGROUND CHECKS

Background checks will be conducted for all Covered Individuals. Thereafter, background checks will be conducted annually before the start of a covered program.

It is the responsibility of every Covered Individual to report any arrests, charges (including any accusation of a crime by a formal complaint, information, or indictment) and/or convictions that occur during their time as a participant in a Covered Program and/or their time as a Covered Individual. Each arrest, charge or conviction will be reviewed with respect to the nature of the offense, the surrounding circumstances, seriousness and the relevance of the conviction to the Covered Individual's position.

If a Covered Individual is arrested or charged for an unlawful offense, the totality of the circumstances surrounding the arrest or charge may be sufficient to be considered unacceptable personal conduct or misconduct of such a nature as to indicate that the individual is unfit to continue to participate in a Covered Program.

A. Nature and scope of Background Checks

The University will conduct background checks on Covered Individuals who are employees, students, contractors and volunteers in accordance with its current background check policies.

Covered Individuals who are third-party providers must use a qualified background check vendor approved by the Department of Human Resources or as University requires, and must provide certification that for all Covered Individuals under their control, a background check has been conducted that includes searches for criminal convictions (federal and in all states and counties in which the individual has lived), searches against the national and state sex offender registries, and, if the individual's

responsibilities include transporting minors, a mandatory driver's license check.

All background and driver's license checks should include 5 years of history or since the Covered Individual reached the age of 18, whichever is shorter.

B. Transportation of Minors

When a Covered Individual's responsibilities include operating any motor vehicle to transport minors, the Covered Individual must have a valid driver's license with the appropriate endorsements in accordance with state law, and the Covered Individual must undergo a satisfactory five-year driver's record check once every three (3) years when participating in a Covered Program. Covered Individuals whose duties include driving and whose background checks reveal serious driving-related convictions may not be permitted to drive minors as part of their duties.

In the event that transporting minors is required as a part of the activities associated with the program, more than one member of the program staff shall be present in the vehicle. Except under extenuating and emergent circumstances, Covered Individuals must not use their personal vehicles to transport minors to activities.

Minors must never be dropped off at a location where there is neither a designated University official nor identified parent or guardian (if transportation is provided home), to take custody of the minor. Except for law enforcement in possession of weapons, no person working in programs involving minors shall possess or use any weapon, explosive device, alcohol or illegal drugs while in the presence of minors, nor shall any Covered Individual be under the influence of alcohol or illegal drugs while on duty.

C. Results of Background Checks

A Covered Individual whose background check reveals a prior criminal conviction for a sex offense, a crime against children, or a serious violent crime involving assault or injury to others **may not participate** in a Covered Program or otherwise have contact with minors in any University Program. Additionally, a Covered Individual whose background check reveals other prior criminal convictions may be prohibited from participating in a Covered Program after consideration by the Department of Human Resources in consultation with the Legal Affairs Office, University Police, and the individual with supervisory authority over the Covered Program of the nature of the conviction and its relevance to the position. A Covered Individual whose background check reveals serious driving-related convictions should not be permitted to transport minors as part of their duties.

D. Student Conduct Checks

A successful student conduct check must be completed by the Dean of Students Office for each University student who is working or having direct contact with minors in any program. The student conduct check must be conducted within the last twelve (12) months prior to the University student beginning work in a program.

Successful completion of a student conduct check means that generally a student must have no Student Code of Conduct violations or have been charged with any violations of the Code of Conduct within the past twelve (12) months.

In the event that a conduct check reveals adverse information or unfavorable results, the Vice Chancellor for Student Affairs Office (in consultation with the Office of Legal Affairs, the University Police Department, and the individual with supervisory authority over the program) will conduct an individualized assessment to determine whether the individual is approved to have direct contact with minors aligning with applicable Student Code of Conduct policies related to student conduct checks and designed to identify potential risk to minors participating in the program.

IV. CONDUCT EXPECTATIONS AND REQUIREMENTS

In general, it is expected that activities with minors will involve two or more adult participants or minimally involve brief, unscheduled “drop-ins” and “interruptions” by authorized directors and/or supervisors. While it may be impossible to avoid all circumstances where an adult has one-to-one time with a minor, all programs and activities shall strive to avoid situations and circumstances where an adult has one-to-one contact with a minor and that access also presents opportunities for secrecy or privacy.

University employees or volunteers working in programs involving minors should never meet with minors outside of established times for activities. Any deviation from this requirement requires prior written authorization from the minor’s parent or guardian and the meeting must include more than one program staff member.

V. MANDATORY REPORTING

North Carolina state law (NCGS §7B-301 and NCGS §14-318.6) requires the reporting of suspected abuse or violence or neglect of a minor to the Pasquotank County Department of Social Services and the University’s Police Department. Suspected abuse, violence, or neglect must also be reported to the program or activity supervisor and the Vice Chancellor, or division head, from the Division under which the program or activity is operating, unless otherwise designated. Such mandatory reporting applies to all individuals, whether or not defined as Covered Individuals under this Policy. The Vice Chancellor, or division head, unless otherwise designated, will periodically notify University employees and Covered Program Sponsors of their obligation to report.

In addition, all Covered Individuals shall comply with North Carolina General Statute 14-318.6, which mandates reports to local law enforcement when a child is a victim of certain violent offenses, sexual offenses, or misdemeanor child abuse. An adult who knows or reasonably should have known of any of these offenses inflicted upon a child must report that information immediately.

This Policy goes beyond the reporting obligation of N.C. Gen. Stat. 7B-301 and N.C. Gen. Stat. 14-318.6, which generally only require individuals to report abuse of minors when the suspected or known abuse is perpetrated by a parent, guardian, custodian, or caretaker to include required reporting obligations for all suspected abuse by any

perpetrator, including peer-related abuse, neglect or other maltreatment of children.

If there is an immediate safety-related concern, the University Community shall immediately contact University Police or local law enforcement.

VI. TRAINING

At least annually, Covered Individuals shall receive training on University policies pertaining to minors on campus, including mandatory reporting requirements. Third-party providers will be responsible for training Covered Individuals under their control and for providing certification to the University that the appropriate training has occurred.

Training for Covered Individuals and Third-Party Program individuals must occur prior to the start of any covered program and prior to contact with minors in Covered Programs.

VII. SPECIAL PROGRAMS

This policy is not intended to supersede program-specific requirements for early college high schools, lab schools, or day care centers which may be subject to differing or additional statutory or regulatory requirements regarding background checks and training.

VIII. MEDICAL CARE AND OVERNIGHT COVERED PROGRAMS

A. Covered Programs & Third-Party Programs

1. The program organizer is responsible for arranging adequate emergency medical services at all locations and access to such services. For University-sponsored Programs, medical care appropriate for the nature of the events, expected attendance, and other variables should be discussed with a representative from the Student Health Center.
2. The program organizer shall be responsible for obtaining all necessary forms, including parental or guardian authorizations for participation, medical treatment, and dispensing medication, waivers of liability, and a list of any physical, mental, or medical conditions any Non-Student Minor might have, including any allergies that could impact their participation in the Program.
3. The program organizer shall be responsible for establishing a procedure for the notification of the Non-Student Minor's parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant Program disruptions.
4. The program organizer shall be responsible for providing information to parents or legal guardians detailing the manner in which a Non-Student Minor can be contacted during the Program.
5. The program organizer shall be responsible for obtaining all necessary forms, including parental or guardian authorizations for participation, medical

treatment, and dispensing medication, waivers of liability, and a list of any physical, mental, or medical conditions any Non-Student Minor might have, including any allergies that could impact their participation in the Program.

6. The program organizer shall be responsible for maintaining an up-to-date list of Program times and dates, locations, attendance (age range and number of participants), and a designated Program contact, so that in the event of an emergency, appropriate measures may be taken. External Organizations must provide a copy of this list at least ten (10) days prior to the start of the Program to the University unit responsible for contracting for the University Property being utilized.
7. Covered Individuals 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.

B. Supervision

1. All Programs involving Non-Student Minors must be supervised by at least two (2) or more Covered Individuals or by their parent(s) or legal guardian(s) at all times with at least a 1:12 supervision ratio. Covered Individuals will ensure One-on-One Contact with Non-Student Minors does not occur. For overnight Programs housed in University Property, Covered Individuals must reside in the same housing building, and preferably the same floor.
2. It is recommended the Program Organizer provides more supervision when considering factors such as the following: the number and age of participants, whether the participants have special needs, the activities involved, type of housing (if applicable), and the age and experience of the Covered Individuals. The standards set forth in subsection B (1) are the minimum requirements. It is strongly recommended that in addition the Program Organizer make efforts to obtain the following ratios:

Recommended standards for overnight Programs housed in University Property:

- a. One Covered Individual for every 6 campers ages 6 to 8.
- b. One Covered Individual for every 8 campers ages 9 to 14.
- c. One Covered Individual for every 10 campers ages 15 to 17.
- d. Minors under the age of 6 are not eligible to participate in overnight Programs housed in University Property.

Recommended standards for other Programs:

- a. One Covered Individual for every 6 campers ages 4 and 5.
- b. One Covered Individual for every 8 campers ages 6 to 8.
- c. One Covered Individual for every 10 campers ages 9 to 14.

- d. One Covered Individual for every 12 campers ages 15 to 17.
3. When ECSU students are hosting high school students (including prospective athletes) participating in pre-enrollment visitation, the requirement for two (2) Covered Individuals shall be waived. The requirement also does not apply to licensed psychologists providing psychological and counseling services to Non-Student Minors.
4. Separate sleeping accommodations are required for Covered Individuals and Non-Student Minors, unless the Covered Individual is a parent, guardian, or sibling of the Non-Student Minor. Signed written permission from a parent or guardian is required for a Non-Student Minor to stay overnight in University Property. All guests and visitors of Program participants staying in University housing are restricted to building lobby and lounge areas and only during the hours specified by the Program Organizer, which in no case shall be later than 12:00am.

IX. COMPLIANCE

The violation of any University policy shall be grounds for disciplinary action. For students, possible penalties include, but are not limited to, suspension or expulsion from the University. For employees, possible penalties include, but are not limited to, dismissal. For organizations, possible penalties include, but are not limited to, the withdrawal of official recognition.

In all disciplinary actions, the University shall ensure fair hearings with adequate protection for the rights of individuals and organizations. Appropriate appeal rights will be provided.

For third party vendors, ECSU may monitor compliance with requirements for operating a Covered Program.

X. EMERGENCIES

In case of an emergency, one should immediately call ECSU University Police at (252) 335.3266. As soon as it is practicable and safe, one should also notify the program organizer, and the program organizer must ensure that the division head is promptly notified.

XI. AUTHORITY

The adoption of this policy shall become effective upon approval by the Chancellor and may be amended from time to time. Any such amendments to this policy shall take effect upon the approval date of such amendment(s). The Office of Legal Affairs is responsible for this policy.