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REG - 80.07.1 - PROTECTION OF MINORS ON CAMPUS REGULATION

Authority: Chancellor

Responsible Office: Academic Affairs

Number:

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History:

Effective Date: May 23, 2019; Last Revised: February 6, 2020

Related Policies/Sources:

[UNC Policy Manual 1300.10 \(Policy on Protection of Minors on Campus\)](#), [NC General Statute Chapter 48A \(Minors\)](#), [NC General Statute 7B-301 \(Duty to Report Abuse, Neglect, Dependency, or Death Due to Maltreatment\)](#), [NC General Statute 90-21.1 et seq. \(Treatment of Minors\)](#), [NCCU REG 80.01.3 Unpaid Volunteers, Guest Researchers, Interns and Visiting Scholars Regulations](#), [Josephine Dobbs Clement Early College High School Memorandum of Understanding and Addendum](#), [Office of Student Conduct and Community Standards Conduct Record Request Form \(MyEOL log-in required\)](#),

Contact Info:

Programs for Minors Office, 919-530-7371, summercamps@nccu.edu

1. Purpose

1.1 The purpose of this regulation is to provide a safe and welcoming environment for all minors who are visiting North Carolina Central University ("NCCU" or "University") or participating in University programs. This Protection of Minors Regulation ("Regulation") strives to set forth regulations, standards and procedures specifically designed to protect all individuals under the age of eighteen (18) on the campus of NCCU.

1.2 This Regulation establishes the requirements that all activities, events, or programs (collectively, "Programs") that involve the participation of minors must adhere to when providing these Programs. Failure to comply with the requirements set forth in this Regulation may lead to disciplinary action and/or revocation of the opportunity to use University facilities.

2. Scope

2.1 All portions of this Regulation apply to the protection of minors participating in Programs sponsored by NCCU or held on NCCU property, including minors who are attending summer programs and minors who are attending the Child Development Lab School. Students who are minors and only enrolled at NCCU ("Enrolled Students") are covered by NCCU policies applicable to students and applicable State laws involving the protection of minors and are not subject to the provisions of this Regulation. Additionally, minors who are dual enrolled in the J.D. Clement Early College High School are not subject to the provisions of this Regulation. However, this Regulation does apply to all other dual enrolled students, as such term is defined below.

2.2 Section 4.1 of this Regulation (Reporting Suspected Child Abuse/Neglect) applies to all minors (including enrolled or matriculated) while participating in a NCCU sponsored or affiliated Program, or while present on the University premises.

3. Definitions

3.1 A "minor" refers to any person under the age of eighteen (18).

3.2 An "enrolled student" refers to any person who is enrolled at the University.

3.3 A "dual enrolled student" refers to any person who is enrolled at both the University and a local high school. For purposes of this Regulation, a dual enrolled student does not include any student who attends the J.D. Clement Early College High School.

3.4 "Program(s)" refers to any University-sponsored or affiliated activity, event, or program in which minors will be participating, as well as any non-University-sponsored activity, event, or program taking place on NCCU premises. Examples of Programs include camps, group visits, workshops, or other activities in which minors typically are not accompanied by a parent, legal guardian, or other similar chaperone not affiliated with the University. Programs do not include events or performances open to the general public and which minors are required to attend escorted by and/or under the supervision of their parent, legal guardian, or other similar chaperone not affiliated with the University (i.e., athletic competitions, concerts, lectures, plays, open houses, campus tours, or speaker events).

3.5 "Direct contact" refers to the care, guidance, control, or supervision of minors in a group or one-to-one settings or the potential for one-to-one interaction with minors.

3.6 "Child abuse" refers to the intentional maltreatment of a child that can be physical, sexual, or emotional in nature.

3.7 "Child neglect" refers to the failure to give children the necessary care they need.

3.8 "University Community" refers to any individual who is a member of the student body, an employee, or a volunteer at NCCU.

3.9 "University premises" refers to all buildings, facilities, or grounds owned,

leased, operated, controlled, or supervised by NCCU, including adjacent streets and sidewalks.

4. Mandatory Reporting

4.1 Reporting Suspected Child Abuse and/or Neglect

4.1.1 Any member of the University Community, as well as any individual involved with a Program taking place anywhere on the University premises, must immediately report instances, suspected instances, and allegations of the abuse or neglect of a minor to the University Police Department and to the Programs for Minors Office in accordance with North Carolina state law and this Regulation. This duty and obligation includes information about suspected abuse, neglect, or inadequate care provided by a parent, guardian, or custodian/caretaker.

4.1.2 University Police is responsible for assisting the reporting party in making a report to the director of the Durham County Department of Social Services.

4.1.3 In accordance with NC General Statute §7B-301, no individual making a good faith report of suspected abuse or neglect will be retaliated against in terms and condition of employment or participation in the educational program.

4.2 Discontinuation of Employee or Volunteer Participation upon Report of Alleged Misconduct

Programs shall immediately discontinue any further employee or volunteer participation in a Program when an allegation of inappropriate conduct has been made against him or her, until such allegation has been satisfactorily resolved or disciplinary action is taken.

5. Program Requirements and Procedures

5.1 Program Registration and Approval

In order for a Program to be permitted to serve minors or any outside third-party individual or organization to conduct a Program that includes minors on University premises, the Program(s) must register with and receive written approval from the University's Programs for Minors Office. All University-sponsored and non-University-sponsored Programs must complete the registration process on an annual basis. Registration paperwork must be submitted no less than forty-five (45) days prior to the commencement date of the Program. Upon receipt of a complete registration file, the Programs for Minors Office will review the file and provide a written response regarding whether the Program is approved.

5.2 Background Checks

5.2.1 Criminal Background Checks

5.2.1.1 Every individual eighteen (18) years of age or older, who instructs, works with or otherwise comes into direct contact with minors covered under this Regulation must submit to a criminal background check conducted by the NCCU Department of Human Resources. "Direct contact" refers to the care, guidance, control, or supervision of minors in group or one-to-one settings or the potential for one-to-one interaction with minors. This requirement includes

all University faculty, staff members, students, and volunteers as well as all third party individuals not affiliated with the University. The Program will be responsible for all costs and expenses associated with conducting the criminal background checks. Once completed, the results of a criminal background check will be valid for a period of twelve (12) months. This provision applies to individuals working with minors participating in University-sponsored Programs as well as non-University-sponsored Programs taking place on University premises.

5.2.1.2 In the event that a background check reveals adverse information or unfavorable results, the Department of Human Resources (in consultation with the Office of Legal Affairs, the University Police Department, and the Programs for Minors Office) will conduct an individualized assessment to determine whether the individual is approved to have direct contact with minors aligning with applicable Department of Human Resources rules and procedures regarding criminal background checks and designed to identify potential risk to minors participating in the Program. The individualized assessment will include an assessment of the nature of the individual's background check and its relevance to the position being sought. Any 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 any Program. Further, any individual registered with the State Sex Offender and Public Protection Program, the State Sexually Violent Predatory Program, or the National Sex Offender Registry may also not participate in any Program.

5.2.1.3 The criminal background check will include 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. Background and driver's license checks will look back at least five (5) years or since the individual who will have direct contact with minors has reached the age of 18, whichever is shorter.

5.2.2 Student Conduct Checks

5.2.2.1 A successful student conduct check must be completed by the Office of Student Conduct and Community Standards 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 six (6) months prior to the University student beginning work in a Program.

5.2.2.2 In general, conduct checks are processed during the second week of each semester and again during the seventh week. To request a conduct check, [an electronic request form](#) should be completed and directed to the Office of Student Conduct and Community Standards.

5.2.2.3 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 six (6) months.

5.2.3 Driving Record Checks.

5.2.3.1 Driving record checks must be conducted on all individuals who will be

required to drive or transport minors as a regular part of their Program responsibilities or duties.

5.2.3.2 Individuals whose background checks reveal serious driving-related convictions may not be permitted to transport minors as part of their duties. For purposes of this Regulation, serious driving-related convictions include, but are not limited to, causing death through careless driving due to drug use, having a blood alcohol level above the legal limit, dangerous driving, manslaughter or culpable homicide while driving a vehicle, causing death by dangerous driving, failing to report an accident, and failure to report damage to highway property. Final determination of whether or not a conviction constitutes a serious driving-related conviction will be made jointly by the Department of Transportation and Parking Services, the Department of Human Resources and the Office of Legal Affairs.

5.3 Conduct Expectations and Requirements

5.3.1 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 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.

5.3.2 Individuals 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.

5.3.3 Individuals working in Programs involving minors are strictly prohibited from engaging in any form of sexual activity, making sexual comments or jokes, or sharing sexually explicit material to or in the presence of minors.

5.3.4 Individuals working in Programs involving minors are strictly prohibited from engaging in conversations with minors on sensitive topics, such as conversations regarding romantic or sexual issues or related matters, unless it is required in his or her role. Examples include University employees or volunteers who are resident advisors, counselors, healthcare providers, etc. Similarly, individuals should refrain from sharing personal information of a sensitive nature with minors, such as information about interpersonal relationships, use of drugs or alcohol, or financial challenges.

5.3.5 Unless authorized and designated by the Program, individuals working in Programs involving minors shall not communicate with minors through social media, social networking websites, internet chat rooms, emails, text messages or any other form of social media. In the event that the Program requires the use of one of the above modes of communication, only authorized and designated Program personnel should engage in the communication and the content of the communication must be strictly educational and professional.

5.3.6 Individuals working in Programs involving minors shall not engage in conduct that is abusive towards or in the presence of a minor, including but not limited to: hitting, poking, punching, restraining, striking, or verbal abuse

except in instances where it is necessary to prevent the minor from harming themselves or others. In the event that restraint is necessary to prevent the minor from hurting themselves or others, the incident should promptly be documented and disclosed to the Program director, the minor's parent or guardian and the NCCU Programs for Minors Office by the end of the following business day after the incident.

5.3.7 Individuals working in Programs involving minors shall refrain from touching minors in any way that can be interpreted as inappropriate. In general, touching should be a response to the minor's needs and consistent with the Program's goals and mission.

5.3.8 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.

5.3.9 All drivers must hold a valid driver's license with the appropriate endorsements, pursuant to state law. If possible, avoid using personal vehicles to transport minors to activities.

5.3.10 Minors should never be dropped off at a location where there is neither a designated University or Program official or identified parent or guardian (if transportation is provided home), to take custody of the minor.

5.3.11 Individuals working in Programs involving minors should not possess or use any weapon, explosive device, alcohol or illegal drugs while in the presence of minors, nor shall any staff member be under the influence of alcohol or illegal drugs while on duty.

6. Training

6.1 University-Sponsored Program

6.1.1 All individuals whose positions require or will require them to have direct contact, as defined by this Regulation, with any minor in a Program shall be trained regarding University policies, regulations and rules that pertain to minors on campus.

6.1.2 The Program director is responsible for ensuring that all individuals who will have direct contact with minors receive training regarding, at a minimum, the following topics: mandatory reporting requirements, the program registration process, the criminal background check process, NCCU's requirements for volunteer participation campus, and other topics covered in the mandatory training module provided by the University.

6.1.3 Individuals must be trained on at least an annual basis; however, the Program director, or the appropriate dean or vice chancellor, or his or her designees, may require that individuals having direct contact with minors be trained on greater than an annual basis.

6.1.4 Every individual must provide a training completion certificate to the Programs for Minors Office to certify that the mandatory training has been completed. All completion certificates must be submitted at least ten (10) days prior to the commencement of the Program.

6.1.5 Individuals who are not trained, as required by this Regulation, may not participate in any University-sponsored Program or have direct contact with a minor.

6.2 Non-University-Sponsored Programs

6.2.1 Third party individuals or organizations are responsible for ensuring that all individuals involved in a non-University-sponsored Program whose positions require or will require them to have direct contact, as defined by this Regulation, with any minor in a non-University-sponsored program complete the mandatory training module provided by the University prior to having any direct contact with a minor. This training will include, at a minimum, the following topics: mandatory reporting requirements, the program registration process, the criminal background check process, NCCU's requirements for volunteer participation campus, and other topics. Individuals must complete this mandatory training on at least an annual basis.

6.2.2 Third party individuals or organizations are encouraged to provide additional training to be conducted on an annual basis, or on a greater than annual basis, on other topics important to operating programs with minors.

6.2.3 Every third party individual or organization must provide a training completion certificate to the Programs for Minors Office to certify that the mandatory training has been completed for each individual having direct contact with minors. All completion certificates must be submitted at least ten (10) days prior to the commencement of the Program.

6.2.4 Should a third party individual or organization fail to provide such certificate(s) to the University within the proscribed period of time, the University reserves the right to cancel the non-University-sponsored Program, or prohibit the participation of individuals who have not been trained as required by this Regulation. The University shall not be responsible for any costs associated with the cancellation of a non-University-sponsored Program should a third party individual or organization not adhere to the training requirements of this Regulation.