I. Purpose

A. The purpose of this policy is to take affirmative steps to safeguard and protect minor children from potential abuse while:

1) Participating in university sponsored programs and activities while on-campus, on-line, or off-campus;
2) Participating in third party programs and activities that utilize university facilities;
3) Attending D.C. Virgo Preparatory Academy (DCVPA);
4) Enrolled in university courses as part of the Isaac Bear Early College High School (IBEC) or other local high school’s dual enrollment;
5) Participating in research programs involving university faculty or staff and subject to the review and approval of an Institutional Review Board (IRB);
6) Enrolled as university students; or
7) Visiting the university campus attendant to university offered programs and events. See Section III(H) below.

B. Specifically, this policy addresses the potential for harm, abuse or molestation of minor children, and requires the use of volunteer and employee screening, training, and education, reporting mechanisms, preventative measures, and risk management strategies to eliminate or reduce the opportunities contributing to the potential for abuse.

II. Scope

Applies to administrators, faculty, staff, volunteers, and students.

III. Definitions
A. Abuse:

“Abuse” of a Minor includes endangerment of a child’s physical or mental health due to injury by act or omission, including acts of sexual abuse.

B. Covered Individuals:

“Covered Individuals” are all individuals 18 years old or older, including employees, volunteers, and students of the constituent institution 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 required to be considered Covered Individuals.

C. Covered Programs:

“Covered Programs” are activities or programs primarily serving or including Minors and one of the following:

1) Conducted by the university, whether located on University Property or elsewhere. While Reporting and Immediate Response requirements still apply, programs related to DCVPA, IBEC, and IRB, or Minors enrolled as university students, are not considered “Covered Programs”.
2) Conducted by an authorized third-party individual or organization on University Property.
3) Visiting minors, as referenced above, are not in Covered Programs.

The university will determine whether a program or activity is a Covered Program, after considering the nature of the program, the duration and location of the program, and the nature and level of interaction university employees, volunteers or contractors will have with the Minors participating in the program or activity. Examples of Covered Programs include, but are not limited to: academic camps, athletic camps, and other enrichment programs, whether daytime only or overnight programs.

This determination of whether an activity is a Covered Program, including whether the activity will be categorized as involving Visiting minors, will not be made by the Program Director, but through a process managed by the University Protection of Minors Coordinator (Minors Coordinator) in the Enterprise Risk Management Office (ERM), in consultation with the Office of General Counsel.

D. Minor:

"Minor" or “minor” for purposes of this Policy means any person under the age of 18.

E. Program Director

“Program Director” is the designated university administrator or officer supporting or coordinating the Covered Program, which in the case of third-party programs may be the administrator overseeing facility usage by the third-party.
F. Sponsor

“Sponsor” is the responsible party or sponsor for the proposed Covered Program, whether a university department or third-party group.

G. University Property:

All campus grounds, buildings, facilities, stadiums, or other improvements, that are owned, leased, used, or otherwise controlled by the university.

H. Visiting Minors

These Visiting activities include externally sponsored short term day field trips or visits that bring minors on to University property; programs or events that are open to the general public, such as sporting events, concerts or theatrical performances; or programs or courses designed exclusively for students enrolled or matriculated at the university.

IV. Reporting Suspected Abuse or Molestation

A. A person having a reasonable belief that a minor's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report to the University Police: 911 or 910-962-2222.

B. North Carolina law (NCGS § 7B-301) requires that anyone who suspects that a child is being abused or neglected must report his or her concerns to the Department of Social Services, Child Protective Services. Anyone can make a report of child abuse and/or child neglect by calling, writing, or visiting the Child Protective Services Unit at the New Hanover County Department of Social Services. You can make a child abuse or neglect report 24 hours a day, 7 days a week. The child abuse hotline number is 910-798-3420. If you need to make a report after 5 PM, Monday through Friday, or on the weekend, or a holiday, call 911 and ask to speak to the social worker on duty.

C. Immediately report any violation of the conduct guidelines of this Policy to the Title IX Office: 910-962-3557; titleix@uncw.edu; or https://uncw.edu/titleix/.

D. The Program Director, the University Police, and the Title IX Coordinator shall ensure the Office of General Counsel is notified immediately of each complaint. NOTE: This obligation does not alter the obligation on the part of any individual who witnesses a crime to report the incident to the University Police or local law enforcement.

V. Immediate Response

In the event of misconduct or allegations of misconduct, in addition to the reporting requirements above, the Program Director shall:
A. Ensure the safety of Minors participating in Covered Programs, including removal of Minors from dangerous or potentially dangerous situations. In such case, the Program Director shall notify Campus Police immediately.

B. Immediately discontinue any further participation of a person in Covered Programs when an allegation of misconduct has been made against him or her, until such allegation has been satisfactorily resolved.

C. Perform the reporting requirements as outlined above in Section IV, including notifying the Title IX Office and the Office of General Counsel within 24 hours.

D. If the accused is not employed by or enrolled as a student of the University but the alleged abuse happened on University Property, the university:
   1) May coordinate a request with the Campus Police that a “no trespass” letter be sent to the accused pending the outcome of the investigation.
   2) May, if the accused is present on the campus as a result of working for someone or some entity with authorization to be on campus, notify that person or entity of the allegations.

VI. General Requirements Affecting Minors on Campus

Non-student Minors are generally permitted on campus as invitees, participants, or visitors to university sponsored events. However, the university reserves the right to determine, in its sole discretion, whether selected events or venues are appropriate for Minors who are unescorted or unsupervised by a parent or authorized guardian. Unless properly enrolled in a program, camp, or activity on the campus, non-student Minors are generally not permitted on campus, including the extended accompaniment of their parent, guardian or family member while at work, without express permission of the university or an authorized purpose. This permission may be altered or withdrawn.

VII. Registration and Approval

A. All programs that involve Minors must be reported to the Minors Coordinator prior to the program’s initiation or continuation. The Coordinator contact information and the process to be followed can been found on the Protection of Minors web page. A determination will be made as to whether it constitutes a Covered Program under this Policy.

B. Where a determination is made that a program is not a Covered Program, the university may still direct that Training, outlined in section VIII below, is required. Best practices will be followed no matter whether it is a Covered Program or not, such as restrictions regarding:

   1) No one-on-one situations between a minor and an adult;
   2) No exchanges of personal contacts (emails, phone numbers, social media) between a minor and an adult; and
   3) Restroom and locker room protocols.
C. All Covered Programs must be registered and approved by the university prior to their initiation or continuation. All Covered Programs continuously or periodically operating must be re-registered and approved at least annually. The Process can be found on the Protection of Minors web page.

D. The registration should include, at a minimum:

1) A description of the proposed Covered Program;
2) Name of Sponsor;
3) Name of Program Director;
4) The period of time for which the Covered Program will operate;
5) The expected number of employees and/or volunteers involved, and Minors served;
6) An acknowledgment of relevant institutional policies, including requirements for background checks, training, insurance, parking access, and facilities use;
7) An acknowledgment of state mandatory reporting requirements related to suspected abuse or neglect of a Minor; and
8) For third party vendors, a statement acknowledging that the university may monitor compliance with requirements for operating a Covered Program.

E. The name or position of the university administrator or officer with responsibility for approving the proposed Covered Program will be identified and designated by the Enterprise Risk Management Office.

F. A failure to follow this policy and the guidance of the Enterprise Risk Management Office regarding the policy may lead to disapproval, discontinuation, suspension, and/or cancellation of a program.

VIII. Background Checks

A. A successful background check will be required of each Covered Individual prior to his or her direct participation with Minors in a Covered Program and at least once every three (3) years thereafter. Background and driver’s license checks will look back at least five years or since the Covered Individual reached the age of 18, whichever is shorter. The university may accept successful documented background clearances from governmental agencies (e.g., school districts) that have been completed within one (1) year from participation in the Covered Program. Individuals who have contact with minors are required to report any criminal conviction(s) within five (5) business days of the convictions or other covered criminal disposition or at the first possible opportunity if the individual is incarcerated.

B. For university employees and volunteers: background checks may be conducted by an outside contractor at the request of the university department responsible through the university’s Office of Human Resources (HR) or ERM or those responsible for the external program utilizing university facilities, though certain background requests may be accessed directly (e.g., Child
Abuse History Clearance. The university will use its standard background check process (UNCW Policy 08.151 Background Checks for Employees) and background check request forms and information.

C. Third-party providers must use a qualified background check vendor, according to reasonable industry standards as determined by the university, 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 driver’s license check.

D. Individuals whose criminal background check reveals a pending or 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. Additionally, individuals whose background checks reveal other pending or prior criminal convictions may be prohibited from participating in a Covered Program after consideration by the university of the nature of the charge or conviction and its relevance to the position. Individuals whose background check reveals serious driving-related convictions will not be permitted to transport Minors as part of their duties or participation.

E. A decision not to permit an individual to participate in a Covered Program based on the results of a background check will be made by the university in its sole discretion. The HR Director or a designee, and the Office of General Counsel, shall be consulted for such determinations regarding the university’s employees and volunteers.

F. It is the responsibility of the Program Director to ensure that each Covered Individual has received clearance to participate. The Sponsor will maintain a roster of individuals who have been cleared to participate and the dates on which a new background check will be required.

IX. Training

A. Every volunteer or employee who will be participating with Minors in a Covered Program shall participate in annual mandatory training on the conduct guidelines of this Policy, on protecting Minors from abusive emotional and physical treatment, and on appropriate or required reporting of incidents of improper conduct (including, but not limited, reports to appropriate law enforcement authorities). For university programs, the appropriate Program Director may enhance and/or modify the required training program to meet specific needs of the particular program or activity involved, in consultation with the Office of General Counsel and ERM. Training resources can be obtained from ERM.

B. While there will be base-line protocols, a single approach or array of preventative measures is not appropriate for all programs; one size will not fit all programs and activities. Best practices are to
be evaluated and implemented by the Sponsor based upon the structure, participants, and circumstances surrounding each program or activity. Protocols and best practices shall be reviewed and updated regularly.

C. Third-party providers are responsible for training Covered Individuals under their control and for providing certification to ERM that the appropriate training has occurred, in a format developed by ERM and approved by the Office of General Counsel.

X. Policy Does Not Supplant or Modify Other Requirements

This Policy only supplements, and does not supplant or modify, statutory enactments which may govern the activities related to minors. Some programs involving minors on campus, including but not limited to DCVPA, IBEC, and IRB, may be subject to differing or additional statutory or regulatory requirements regarding background checks and training. This Policy is not intended to supersede such program-specific requirements.