

POL 04.25.09
Protection of Minors

Authority: Chancellor

History:

- First Issued: September 15, 2020

Related Policies:

- [UNC Pembroke Human Resources Policy \(HR 06 06\) – Criminal Background Check Policy](#)
- [POL 07.25.01 - Facilities Use Policy for Unaffiliated Groups](#)
- [UNC Policy 1300.10 Policy on Protection of Minors on Campus](#)

Additional References:

- [NCGS § 14-208.17 – Sex Offender and Public Protection Registration Program](#)
- [NCGS § 7b-301 – Duty to report abuse, neglect, dependency, or death due to maltreatment](#)
- [Training materials from ORI](#)

Contact Information: Director, Office for Regional Initiatives (ORI), 910-775-4020

1. POLICY STATEMENT

1.1 It is the policy of The University of North Carolina at Pembroke to implement standards and procedures for the protection of minors participating in programs and activities that are occurring on its campus and for programs and activities that are under the control or direction of the University, regardless of location.

2. DEFINITIONS

2.1 Authorized Adult. An individual age eighteen (18) or older, paid or unpaid, who interacts with, supervises, chaperones, instructs, or otherwise oversees Non-Student Minors in Covered Programs activities or in University Facilities. The term “Authorized Adult” does not include invited guest speakers, guest lecturers, or guest instructors whose interactions are limited in nature, or who have no direct individual contact with, or oversight of, Non-Student Minors.

2.2 External Organization. An organization or individual from outside of the University that uses University Facilities to conduct a Covered Programs pursuant to an approved contract or other use agreement with the University.

2.3 Non-Student Minor. A person under the age of eighteen (18) who is participating in a Covered Program and are not enrolled or accepted for enrollment at the University. The term “Non-Student Minors” does not include students who are “dually enrolled” in University programs while also enrolled in primary or secondary schools, or students enrolled in an early college high school affiliated with the University.

2.4 One-On-One Contact. Personal, unsupervised interaction between any Authorized Adult and a Non-Student Minor without at least one (1) other Authorized Adult, parent, or legal guardian being present.

2.5 Covered Program. Any activity or program primarily serving or including Non-Student Minors that is under the direction or control of the University, regardless of its location, or an activity under the direction or control of an External Organization on university property or using University Facilities.

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 the constituent institution.

2.6 Program Organizer. The External Organization, recognized student organization, or University department, unit, or employee that organizes or is responsible for the overall administration of a Covered Program.

2.7 University Facilities. Facilities owned by or under the control of UNC Pembroke.

2.8 University Sponsored. Under the direction and control of University employees acting under assigned job responsibilities.

2.9 Child Abuse or Neglect. The North Carolina Division of Social Services (DSS) provides that child abuse is “the intentional maltreatment of a child and that can be physical, sexual, or emotional in nature.” DSS provides that neglect is “the failure to give children the necessary care they need.”

2.10 Mandated Reporter. Both as a matter of University policy and North Carolina State law, any member of the University Community who reasonably suspects that a Minor, including a UNCP Enrolled Student Minor, has been abused or neglected by a parent, guardian, caregiver, or Covered Program Staff has an absolute obligation to report that suspicion to the appropriate County Department of Social Services (“DSS”) and the UNCP Protection of Minors Coordinator, regardless of where the offense occurred.

2.10.1 any member of the university community (UNCP employee and Covered Program Staff) who, as a matter of university policy and/or North Carolina State law, reasonably suspects that a Minor, including a UNCP Enrolled Student Minor, has been abused or neglected by a parent, guardian, caregiver, or Covered Program Staff has a duty to report that suspicion to the appropriate County Department of Social Services (“DSS”) and the UNCP Protection of Minors Coordinator, regardless of where the offense occurred.

2.10.2 Select UNCP employees and students, as faculty members, supervisors, or those who have significant contact with students, have a duty to report possible violations of the university’s Sexual Harassment Policy committed against members of the university community, visitors, or camp participants as mandated by Title IX of the Education Amendments of 1972 and the Jeanne

Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Act. These include the following:

2.10.2.1. Official with Authority (OWA) means an employee of UNC Pembroke explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of UNC Pembroke and who is obligated by law to share knowledge, notice, and/or reports of sexual harassment, discrimination, and/or retaliation with the Office of Title IX and Clery Compliance;

2.10.2.2. Mandated Reporters means a particular employee or student who is obligated by university policy to share knowledge, notice, and/or reports of sexual harassment, discrimination, and/or retaliation with the Office of Title IX and Clery Compliance (formerly known as Responsible Employees); and

2.10.2.3. Campus Security Authorities means a particular employee or student who is obligated by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) to share knowledge, notice, and/or reports of certain crimes, to include sexual violence (dating violence, domestic violence, stalking, and sexual assault) with the Office of Title IX and Clery Compliance and/or UNCP Policy and Public Safety.

3. GENERAL REQUIREMENTS AFFECTING NON-STUDENT MINORS ON CAMPUS

3.1 All Non-Student Minors

3.1.1 Non-Student Minors are generally permitted in University Facilities only as invitees, participants, or visitors to University Sponsored events, unless enrolled in a Covered Program on campus. Non-Student Minors are generally not permitted in University Facilities without an authorized purpose or express permission, or unless they are accompanied by an Authorized Adult, parent, or legal guardian.

3.1.2 All Non-Student Minors participating in a Covered Program on campus are generally permitted supervised use of the University Facilities identified for that Covered Programs. The University reserves the right to restrict anyone, including Non-Student Minors, from certain areas or facilities or from utilizing specified equipment.

3.2 Pre-High School-Aged Children (children under the age of 14)

3.2.1 All pre-high school-aged children on the campus must be supervised at all times by an Authorized Adult, parent, or legal guardian.

3.2.2 Unsupervised or unescorted pre-high school-aged children are prohibited from entering areas such as storage rooms, equipment rooms, training rooms, dressing rooms or shower facilities, courts, fountains, swimming pools, and playing fields.

3.3 High School-Aged Children (children ages 14-17)

3.3.1 Generally speaking, high school aged-children not participating in a Covered Program on campus may have limited use of University facilities that are open to the public, such as the James B. Chavis University Center, as long as they meet behavioral standards expected of enrolled students and adhere to the reasonable direction of University officials. Certain facilities may maintain security policies relating to all minors that are more restrictive in nature. High school-aged children not meeting behavioral standards expected of enrolled students or adhering to the reasonable direction of University officials may be directed to leave the campus and/or trespassed from the campus by Police & Public Safety.

3.3.2 High school-aged children are generally permitted at events and venues on campus that are open to the public. Examples of such events include athletic contests, musical or dramatic performances, and campus tours. The University reserves the right to determine, in its sole discretion, whether selected events or venues are appropriate for unescorted or unsupervised Non-Student Minors.

4. PROGRAMS INVOLVING NON-STUDENT MINORS

4.1 The following procedures and recommendations apply to all Covered Programs involving Non-Student Minors.

4.2 Program Organizer

4.2.1 A Program Organizer must be appointed for each Covered Program involving Non-Student Minors, whether the Covered Program is sponsored by the University or by an External Organization.

4.2.2 The Program Organizer will be responsible for registering each Covered Program with the ORI.

4.2.3 The Program Organizer will be responsible for training employees and volunteers on, and adhering to, this Policy and any other rules or procedures applicable to the Covered Program required by the ORI.

4.3 Background Checks

4.3.1 For University Sponsored Covered Programs, the Program Organizer is responsible for ensuring that criminal background checks for Authorized Adults have been conducted within the previous five (5) years for current employees and/or students and within the previous twelve (12) months for all others, in accordance with the procedures outlined in the [Human Resources Policy: HR 06 06, Criminal Background Check Policy](#).

4.3.2 For Covered Programs sponsored by an External Organization or a recognized student organization, the Program Organizer must certify that all Authorized Adults affiliated with the Covered Programs have been subject to a criminal background check and a sex offender registry check within the previous twelve (12) months. At a minimum, the criminal background check and sexual offender registry check must consist of a search conducted by a qualified background

check service provider that meet University standards, and include a NC Statewide Criminal search, a National Record Indicator search, and a fifty (50) State Sex-Offender Index search.

4.3.3 The following types of convictions/pending charges will normally render an individual ineligible to work or volunteer at a Covered Program:

4.3.3.1. Drug distribution activity or felony drug possession

4.3.3.2. Sexual offenses, including stalking

4.3.3.3. Crimes of violence involving physical injury to another person

4.3.3.4. Child abuse, molestation, child pornography or other crimes involving child endangerment, including neglect and abandonment

4.3.3.5. Murder

4.3.3.6. Kidnapping

4.3.3.7. Any other crime involving moral turpitude

4.3.4 Additionally, no Authorized Adult may be listed on any sex offender registry.

4.4 Medical /Emergency Care

4.4.1 The Program Organizer will be responsible for:

4.4.1.1. 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 Environmental Health and Safety Office and Director of Police and Public Safety.

4.4.1.2. 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 his/her participation in the Covered Program.

4.4.1.3. 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 Covered Program disruptions.

4.4.1.4. Providing information to parents or legal guardians detailing the manner in which a Non-Student Minor can be contacted during the Covered Program.

4.4.1.5. Maintaining an up-to-date list of Covered Program times and dates, locations, attendance (age range and number of participants), and a designated Covered 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 Covered Program to the University unit responsible for contracting for the University Facilities being utilized.

4.5 Supervision

4.5.1 Non-Student Minors must be supervised by at least two (2) or more Authorized Adults or by their parent(s) or legal guardian(s) at all times with at least a 1:12 supervision ratio. Authorized Adults will ensure One-on-One Contact with Non-Student Minors does not occur. For overnight Covered Programs housed in University Facilities, Authorized Adults must reside in the same housing building, and preferably the same floor.

4.5.2 It is recommended the Program Organizer provide more supervision when considering factors such as: 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 Authorized Adults. The standards set forth in 4.5.1 are the minimum requirements. It is strongly recommended that in addition the Program Organizer make efforts to obtain the following ratios:

4.5.2.1. Recommended standards for overnight Covered Programs housed in University Facilities:

Number of Authorized Adults	Number of Campers	Ages of Campers
*N/A	*N/A	*6 and Under
1	6	6 to 8
1	8	9 to 14
1	10	15 to 17

**Children under the age of 6 are not eligible to participate in overnight Covered Programs housed in University Facilities.*

4.5.2.2. Recommended standards for other Covered Programs:

Number of Authorized Adults	Number of Campers	Ages of Campers
1	6	4 and 5
1	8	6 to 8
1	10	9 to 14
1	12	15 to 17

4.5.3 The requirement also does not apply to UNC Pembroke students hosting high school students (including prospective athletes) participating in pre-enrollment visitation, or to licensed psychologists providing psychological and counseling services to Non-Student Minors.

4.5.4 Separate sleeping accommodations are required for Authorized Adults and Non-Student Minors, unless the Authorized Adult 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 Facilities. All guests and visitors of Covered 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.

5. RESPONSIBILITIES

5.1 ORI will develop and make available to the Program Organizer required training and specific rules or procedures applicable to the Covered Programs.

5.2 The Program Organizer is required to ensure all Authorized Adults working with Non-Student Minors are trained with training materials supplied by ORI. This training must be completed before an Authorized Adult works with Non-Student Minors as part of the Covered Program. The Program Organizer is responsible for documenting the training.

5.3 Individual department heads are responsible for identifying all Covered Programs involving Non-Student Minors held or sponsored by their department and for reporting such Covered Programs to ORI on an annual basis and as new Covered Programs are developed.

6. DUTY TO REPORT INAPPROPRIATE CONDUCT OR SUSPECTED INAPPROPRIATE CONDUCT

6.1 Every member of the University community has an obligation to immediately report instances or suspected instances of the abuse of or inappropriate interactions with minors, including Non-Student Minors, to the Police & Public Safety Department and, if applicable, to the respective Program Organizer, if those alleged or suspected instances involve abuse, neglect, or inadequate care provided by a parent, guardian, or custodian/caretaker (including the Program Organizer).

6.2 Further obligation is required under to make a report to the Director of the Department of Social Services in the county where the minor resides or is found. Police & Public Safety can assist in providing contact information for reporting to social service agencies.

6.3 Individuals reporting inappropriate conduct or suspected inappropriate conduct in good faith are protected under North Carolina law from criminal and civil liability for making the report. Furthermore, it is the policy of the University that a good-faith report of suspected abuse or neglect must not be retaliated against in the terms and conditions of employment or educational program.

6.4 In the event a Program Organizer suspects inappropriate conduct or receives an allegation of inappropriate conduct, the Program Organizer must immediately:

6.4.1. Ensure the safety of any minors participating in the Covered Program, irrespective of any other limitation or requirement, including removal of minors from dangerous or potentially dangerous situations.

6.4.2. Notify Police & Public Safety.

6.4.3. If the suspected or alleged inappropriate conduct involves an Authorized Adult participating in a Covered Program, the Program Organizer must discontinue any further

participation by that Authorized Adult in any activities covered by this Policy until the situation has been satisfactorily resolved.

7. EXCEPTIONS

7.1 Covered Programs may be granted an exception from this Policy based on unusual circumstances. Such exceptions must be requested in advance from the Director, Office for Regional Initiatives and provided to responsible department head in writing.

8. COMPLIANCE

8.1 Failure to abide with this Policy may result in discontinuation of an individual's participation in the Covered Program or cancellation of the Covered Program by the University.