

Chapter 1300 Matters of University-Wide Significance

1300.10 Policy on Protection of Minors on Campus

I. Purpose. The University of North Carolina is committed to the protection of minors who participate in activities on the campuses of, and/or conducted by, its constituent institutions. To ensure the safety of minors participating in UNC-affiliated Covered Programs and to ensure consistency across the UNC System, constituent institutions shall adopt policies with minimum standards applicable to their Covered Programs, as defined herein. Such policies shall address screening requirements for employees, contractors, and volunteers who interact with minors in Covered Programs, including background checks; advance registration and approval requirements for proposed Covered Programs; and training requirements for employees, contractors, and volunteers regarding the mandatory reporting of suspected abuse, as well as additional training expectations for Covered Individuals regarding policies and issues relevant to working with minors. The intention of this policy is to describe the minimum requirements for institutional policies, while allowing the constituent institutions the flexibility to adopt more expansive policies and procedures that reflect their own administrative systems and needs.

II. Definitions

A. Covered Programs. Activities or programs primarily serving or including minors and either:

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

Examples of Covered Programs include, but are not limited to: academic camps, athletic camps, and other enrichment programs, whether daytime only or overnight programs. Constituent institutions have discretion in determining 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.

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.

B. Covered Individuals. 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-incident 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. Minors. For the purposes of this policy, minors are defined as individuals who are younger than 18 years of age and are participating in a Covered Program. With the exception of the mandatory reporting requirements in section V., below, this policy does not apply to students under the age of 18 who are enrolled or matriculated at the constituent institution, or who are enrolled in a co-operative innovative high school pursuant to G.S. 115C-238.50 *et seq.*

D. University Property. All campus grounds, buildings, facilities, stadiums, or other improvements, that are owned, leased, used, or otherwise controlled by the University or one of its constituent institutions.

III. Registration and Approval. All Covered Programs must be registered and approved by the constituent institution prior to the initiation of the program or activity. All programs continuously or periodically operating must be re-registered and approved by the constituent institution at least annually. The registration should include, at a minimum:

- 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 institutional 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 the constituent institution 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.

IV. Background Checks. Background checks should be conducted for all Covered Individuals. Policies should provide for subsequent background checks at reasonable intervals, as determined by the constituent institution, for all Covered Individuals.

A. Nature and scope of background checks. Constituent institutions may use their standard background check process for their own employees and volunteers. Third-party providers must use a qualified background check vendor, according to reasonable industry standards as determined by the constituent institution, 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. Background and driver's license checks should look back at least five years or since the Covered Individual reached the age of 18, whichever is shorter.

- B. Results of background checks. Policies must provide that, at a minimum, Covered Individuals 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. Additionally, Covered Individuals whose background checks reveal other prior criminal convictions may be prohibited from participating in a Covered Program after consideration by the constituent institution of the nature of the conviction and its relevance to the position. Covered Individuals whose background check reveals serious driving-related convictions should not be permitted to transport minors as part of their duties.
- V. Mandatory Reporting. Policies must refer to the requirements for the mandatory reporting of suspected abuse or neglect of a minor under North Carolina state law (G.S. 7B-301), include procedures for internal reporting of suspected abuse or neglect of a minor to the proper administrator, and provide for periodic notification of the obligation to report to institutional employees and Covered Program Sponsors. Mandatory reporting requirements apply to all persons, whether or not defined as Covered Individuals under this policy.
- VI. Training. Policies shall require that Covered Individuals receive at least annual training on institutional policies pertaining to minors on campus, including mandatory reporting requirements. Third-party providers should be responsible for training Covered Individuals under their control and for providing certification to the constituent institution that the appropriate training has occurred.
- VII. Special programs. Some programs involving minors on campus, including but not limited to laboratory schools created pursuant to Article 29 of Chapter 116 of the General Statutes, cooperative innovative high schools created pursuant to Part 9 of Article 16 of Chapter 115C of the General Statutes, and day care centers, 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.
- VIII. Other Matters
 - A. Effective Date. The requirements of this policy shall be effective on the date of adoption by the Board of Governors.
 - B. Relation to State Laws. The foregoing policies as adopted by the Board of Governors are meant to supplement, and do not purport to supplant or modify, those statutory enactments which may govern the activities of public officials.
 - C. Regulations and Guidelines. These policies shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.

1300.10: Adopted 05/22/19
