

# FAYETTEVILLE STATE UNIVERSITY

## PROTECTION OF MINORS ON CAMPUS

<b>Authority:</b>	Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.
<b>Category:</b>	University-Wide
<b>Applies to:</b>	●Administrators      ●Faculty      ●Staff
<b>History:</b>	First Issued – October 14, 2021
<b>Related Policies/ Regulations/Statutes</b>	●Background Checks for Volunteers and Contractors ●Employment Background and Reference Checks ●Policy on Protection of Minors on Campus [UNC Policy #1300.10] ●Duty to Report Abuse, Neglect, Dependency, or Death due to Maltreatment [NCGS § 7B-301] ●Failure to Report Crimes Against Juveniles; Penalty [NCGS § 14-318.6]
<b>Contact for Info:</b>	Compliance and Enterprise Risk Management Officer (910) 672-1043

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### I. PURPOSE

Fayetteville State University (University) is committed to the protection of minors who participate in activities sponsored by the University or activities sponsored by third-parties but held on the University's campus (Covered Programs). To ensure the safety of minors participating in Covered Programs and to ensure consistency, the University adopts this policy which includes minimum standards applicable to Covered Programs.

This Policy addresses the following:

- 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 to include, but not be limited to, mandatory reporting of suspected abuse and expectations for Covered Individuals regarding policies and issues relevant to interacting with minors.

### II. DEFINITIONS

#### A. Covered Programs

Covered Programs includes activities, programs, or events primarily serving or including minors and which include either of the following:

- Is conducted by the University (or a department, organization, or other entity thereof), whether located on University property or elsewhere; or
- Is 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. The University has 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 University.

**B. Covered Individuals**

Covered Individuals include 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-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 University, or who are enrolled in the early college high schools operating on the University's campus.

**D. University Property**

University Property includes all campus grounds, buildings, facilities, stadium, or other improvements, that are owned, leased, used, or otherwise controlled by the University.

**III. REGISTRATION AND APPROVAL**

**All** programs, activities, or events for minors, regardless of whether they are considered Covered Programs, must be registered and approved by the Compliance and Enterprise Risk Management Officer prior to the initiation of the program or activity. All such programs, activities, or events continuously or periodically operating must be re-registered and approved by the Compliance and Enterprise Risk Management Officer at least annually.

All such programs, activities or events must submit registration materials to the Compliance and Enterprise Risk Management Officer no less than 60 calendar days prior to the start date of the program or activity. All such third-party programs, activities, or events must submit registration

materials to the Compliance and Enterprise Risk Management Officer no less than 90 calendar days prior to the start date of the program or activity. The registration should include, at a minimum:

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

#### **IV. BACKGROUND CHECKS**

Background checks will be conducted for all Covered Individuals. Thereafter, background checks will be conducted every 2 years.

##### **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 Compliance and Enterprise Risk Management Officer, 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. 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. 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 Compliance and Enterprise Risk Management Officer in consultation with the General Counsel 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.

**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 Cumberland County Department of Social Services and the University's Police and Public Safety Department. Suspected abuse, violence, or neglect must also be reported to the program or activity supervisor and the Compliance and Enterprise Risk Management Officer. Such mandatory reporting applies to all individuals, whether or not defined as Covered Individuals under this Policy.

The Compliance and Enterprise Risk Management Officer will periodically notify University employees and Covered Program Sponsors of their obligation to report.

**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.

**VII. SPECIAL PROGRAMS.**

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