

**PRR Template Instructions:** This template is intended for use in connection with the drafting of new or revised PRRs. Please note that the PRR review process Box must accompany all PRRs that are submitted to the EOM. The PRR review process box should be tailored to reflect the various approval entities or individuals who participate in the process of reviewing and commenting upon and/or approving PRRs by filling in the name of the appropriate body within the brackets and adding pertinent dates related to the review in the underlined area. Relevant administrative bodies may be the faculty, staff or student senates, the Dean's Council, etc. Relevant committees or other bodies may be university standing committees or advisory committees deemed appropriate by the Executive Officer submitting the PRR for final Chancellor's Cabinet Meeting/EO approval. Brief comments about recommendations made by reviewers may also be added.

**N.B. When using this template, please delete this entire instruction prior to submitting your proposed new or revised PRR.**

**PROPOSED REVISION TO:** REG 01.25.18: Director of Youth Programs and Compliance

**Rationale:** After review of recent best practice standards/guidelines and current practices, it was determined that this regulation should be revised.

**Consultation Process:**

-  09.04.2020  
Associate Vice Chancellor of Environmental Health and Public Safety authorizes transmittal of PRR for review
- 04.22.2020  
General Counsel preliminary review
- 9/7/20 [Vice Chancellor Finance & Administration] review, if applicable
- N/A [Relevant NCSU committee or other body] review, if applicable
- 9/08/20 General Counsel final review, if changes have been made (**B.Lanzen**)
- 9/22/20 Chancellor's Cabinet Meeting, or official with delegated authority to review PRR
- 10/12/20 University Council (recommendation/notification), if applicable (*OGC will complete*)
- N/A Board of Trustees (approval/notification), if applicable (*OGC will complete*)

Authority	<b>Chancellor and Provost</b>
Title	<b>Programs that Involve the Participation of Minors</b>
Classification	<b>REG01.25.18</b>
PRR Subject	<b>Governance - General</b>
Contact Info	<b>Director of Youth Programs and Compliance (919-515-4256)</b>

**History:** First Issued: April 12, 2016; last revised November 5, 2019; Effective January 1, 2020.

**Additional Resources:**

[Minors on Campus Website](#)

**1. PURPOSE AND SCOPE**

The purpose of this regulation is to establish standards and procedures which provide appropriate protection and supervision of minors participating in University-sponsored programs and programs operated by third-parties who use North Carolina State University (“University”) property and facilities.

The regulation is limited to Programs and Activities in which the University is knowingly supervising the minor participants-, [providing online programs for minors through a registration process](#), or knowingly allowing a third-party to use University Property for the purpose of operating a Program or Activity primarily serving or including minors. The regulation does not apply to (a) minors who are enrolled at the University or who are enrolled in a co-operative innovative high school pursuant to N.C. Gen. Stat. § 115C-238.50 *et seq.*; (b) performances, fairs, festivals, entertainment or sporting events, or other events open to the general public; (c) external field trips or visits that bring minors on to University property; (d) minors visiting the campus or using University Property on their own; or (e) other programs, events or activities within the University’s discretion after considering the factors listed in Section 3.2.2 of this regulation.

Programs will be responsible for the costs associated with compliance with the regulation, including but not limited to personnel costs, administrative costs, and background check fees.

**2. DEFINITIONS**

2.1 “Activity” means any activity or event conducted by a University-Sponsored Program or held on University Property which is subject to this regulation pursuant to the terms of Section 1.

2.2 “Covered Individual” means all individuals 18 years old or older (including employees, volunteers, and students working for a University-Sponsored Program/Activity and owners, employees, and volunteers of Covered Third-Party Programs) who work closely with, interact, supervise, instruct, or otherwise come into direct, non-incident contact with Minors in a Program/Activity. 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 considered Covered Individuals.

2.3 “Covered Third-Party Program” means a program or Activity operated by an entity other than the University which primarily serves or includes Minors and uses University Property under the terms of an agreement with the University and is not exempted from this regulation under Section 1.

2.4 For purposes of this regulation, a “Minor” means any person under the age of 18 who is participating in a Program or Activity and who is not enrolled at the University or enrolled in a cooperative innovative high school pursuant to N.C. Gen. Stat. § 115C-238.50 *et seq.*

2.5 “Program” means a “University-Sponsored Program” or a “Covered Third-Party Program.”

2.6 “University Property” means all University grounds, buildings, facilities, stadiums, or other improvements, that are owned, leased, used or otherwise controlled by the University.

2.7 “University-Sponsored Program” means any ~~program~~ Program or Activity which is not exempted from this regulation under Section 1 and which (a) is operated by a University unit ~~which~~ , (b) primarily serves or includes Minors, and (c) where the University is knowingly supervising participants who are Minors, ~~and which is not exempted from this regulation under Section 1~~ where the Minor is registered for an on-line Program operated by the University.

### **3. REQUIREMENTS AND PROCEDURES**

#### **3.1 Approval**

All Programs and Activities must be annually reviewed and approved by the appropriate dean or vice chancellor (or his or her designee) having supervisory authority over the Program/Activity prior to the first scheduled date of participation by Minors. It is recommended that approval be obtained at least ninety days prior to the first scheduled date of participation by Minors.

#### **3.2 Registration**

3.2.1 All Programs shall, prior to the first scheduled date of participation by Minors in a calendar year, register such Program with the Office of Youth Programs and Compliance (“Youth Programs Office”) on the [Minors on Campus Website](#). Because the registration process can take time, it is recommended that Programs register at least sixty days prior to the first scheduled date of participation by Minors. Registration shall be on forms approved by the Director of the Youth Programs Office and shall require, at a minimum, the following information:

- a. a description of the proposed Program and the general nature of the activities to be undertaken,
- b. the dates and locations where Minors will be participating,
- c. the expected number of employees and volunteers who are Covered Individuals with the Program and expected number of Minors served,
- d. an acknowledgement and agreement to follow all relevant University policies, regulations and rules, including but not limited to requirements for background checks, training, insurance, parking access and facilities use,
- e. an acknowledgment of state mandatory reporting requirements related to suspected abuse or neglect of a minor, and
- f. the name and contact information of the person responsible for the Program,
- g. for University-Sponsored Programs, the name and contact information of the dean or vice chancellor (or their designee) having supervisory authority over the Program,
- h. for Covered Third-Party Programs, the name and contact information for the University administrator responsible for approving the Program and the name and contact information for the University venue representative supporting the Program,
- i. for Covered Third-Party Programs, a statement acknowledging that the University may monitor compliance with requirements for operating a Program.

3.2.2 Any requests for clarification as to whether a particular Program is subject to this regulation, or a request for a waiver to this regulation, should be sent to the Youth Programs Office. In determining whether a Program or Activity is exempt from this regulation, the Youth Programs Office may consider the nature, duration and location of the Program or Activity, the nature and level of interaction university employees, volunteers, or contractors will have with the Minors participating in the Program or Activity, and any other appropriate factor.

### **3.3 Risk Management**

#### *3.3.1 Written Agreements*

Programs are responsible for collecting contact information for the parent/legal guardian of every Minor participating in the Program, as well as for providing the parent/legal guardian with information on how to reach his or her Minor in the event of an emergency.

University-Sponsored Programs should have each Minor and his/her parent/guardian execute a University-approved liability waiver form. University-Sponsored Programs are responsible for maintaining the executed waivers in accordance with the University's record retention schedule.

All Covered Third-Party Programs shall be required to execute and deliver a Facilities Use Agreement or other University approved agreement before they may use any University Property to operate their Program. Such agreement must include a statement acknowledging that the University may monitor compliance with requirements for operating a Covered Third-Party Program. The University reserves the right to require proof of compliance with the policy.

### 3.3.2 *Background Checks*

Programs are responsible for ensuring successful completion of the following checks on each Covered Individual:

#### a. Criminal Background Checks

(1) All Covered Individuals must have a criminal background check performed before they may closely work with, interact, supervise, instruct, or otherwise come into direct, non-incident contact with Minors in a Program. At a minimum, criminal background checks must be run on Covered Individuals every three years.

A. University-Sponsored Programs must conduct the criminal background checks through the University standard background check procedures.

B. Covered Third-Party Programs must use a qualified background check vendor (according to reasonable industry standards) 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) and searches against the national and state sex offender registries. The criminal background check must look back at least five years or since the Covered Individual reached the age of 18, whichever period is shorter.

(2) If a background check reveals adverse information or unfavorable results, the University will conduct an individualized assessment using criteria designed to identify potential risk to Minors, including the nature of, and circumstances surrounding any crime(s), the time elapsed since conviction and the rehabilitation record, the actions and activities of the Covered Individual since the crime(s), the truthfulness and completeness of the Covered Individual's disclosure of the conviction(s), and any other relevant information. Individuals whose background checks reveal 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 Program or Activity.

#### b. Reference Checks

Programs must also conduct appropriate reference checks for all new employees and volunteers.

#### c. University Record Checks

For all University-Sponsored Programs, the Youth Programs Office will contact other University offices or units (i.e. Violence Prevention and Threat Management, University Police, Office of Student Conduct and Human Resources) as appropriate to determine whether there are any University records documenting concerning behaviors of any Covered Individuals. Concerning behaviors include, but are not limited to, findings of responsibility for any Code of Student Conduct or University policy violations and active trespasses. If a University records check reveals any documented concerning behaviors, before allowing the Covered Individual to work with or continue working with any University-Sponsored Program, the University will conduct an individualized assessment using criteria designed to identify potential risk to Minors.

d. **Driving Record Checks**

Programs must also conduct a driver's license/driving record check on all employees and volunteers who will drive or transport Minors for the Program. Individuals whose driving record checks reveal serious driving-related convictions will not be permitted to transport Minors as part of their duties.

### 3.3.3 *Training*

All Covered Individuals must complete annual training on at least the following topics:

- a. Applicable University policies, procedures, and rules, including this regulation;
- b. Behavioral expectations, including appropriate conduct when working with Minors and related codes of conduct;
- c. Risk management best practices, procedures, and guidelines for all Program activities;
- d. Supervision plan for adequate supervision in light of the number and average age of the participants, the Program activities, and whether overnight stays are involved;
- e. Emergency planning, including for medical, severe weather, and other public safety emergencies;
- f. Basic warning signs of abuse or neglect of minors;
- g. Guidelines for protecting minors from emotional and physical abuse and neglect;
- h. Requirements and procedures for the mandatory reporting of incidents involving suspected abuse or neglect or improper conduct;
- i. Other relevant or appropriate topics.

The Youth Programs Office will provide the training for University-Sponsored Programs. Covered Third-Party Programs are responsible for training Covered Individuals under their control.

Training must be documented by the Programs, and all Programs must annually certify to the University that all employees and volunteers received the required training.

### 3.3.4 *Conduct of Programs*

Programs should follow best practices for the conduct of their Programs, including those set forth in training.

Additionally, employees, contractors, and volunteers of the Program shall not (unless required by exigent circumstances):

- a. Have contact with Minors in seclusion; there should be two or more Covered Individuals present during activities when Minors are present;
- b. Enter a Minor's room, bathroom facility, or similar area when that Minor is staying overnight in University housing without another Covered Individual in attendance;
- c. Share accommodations with Minors with the exception of Minors' parents or guardians sharing accommodations with their own children;
- d. Engage in abusive conduct of any kind toward, or in the presence of a Minor;
- e. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner, any Minor;
- f. Provide alcohol or illegal drugs to any Minor. Covered Individuals also must not provide prescription drugs or any medication to a Minor unless specifically authorized in writing by the parent or legal guardian as being required for the Minor's care. In case of emergency, individuals must call 9-1-1;
- g. Use a personal vehicle to transport a Minor;
- h. Use personal text, email or social media to communicate with Minors outside of the official program;
- i. Expose Minors to sexually explicit materials, such as pornography; or
- j. Engage in any other conduct deemed inappropriate by the Youth Programs Office.

## **4. REPORTING ALLEGATIONS OF INAPPROPRIATE BEHAVIOR**

4.1 Consistent with N.C. Gen. Stat. §7B-301, all persons, including Covered Individuals, who have cause to suspect that any Minor has been abused or neglected must immediately report allegations of the abuse, neglect, or inappropriate behavior with Minors to the director of the Division of Social Services in the county where the Minor resides or is found. Programs may contact University Police to assist with the notification. The University requires the report also to be made to the Director of the Youth Programs Office. If there is an immediate safety related concern, Covered Individuals shall immediately contact University Police or local law enforcement.

4.2 No individuals making a good faith report of suspected abuse or neglect will be retaliated against in the terms and conditions of employment or participation in the educational program.

4.3 Programs may discontinue any Covered Individual's participation in a Program when an allegation of inappropriate conduct has been made against the individual until such allegation has been satisfactorily resolved or disciplinary action is taken.

## **5. AUTHORITY AND COMPLIANCE**

The Youth Programs Office is charged with monitoring compliance with this regulation by all Programs and presenting training on best practices. Failure to comply with the requirements set forth in this regulation or any related campus policies and procedures may lead to sanctions or disciplinary action, including but not limited to, dismissal from the University, revocation of the opportunity to use University Property, issuance of a no-trespass notice, and/or suspension or termination of the Program.