

ECU Programs Serving Minors

Updated: July 15, 2024

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| POLICY: | REG01.15.13 |
| TITLE: | ECU Programs Serving Minors |
| CATEGORY: | Governance and Administration |
| SUB-CATEGORY: | Governance - General |
| AUTHORITY: | Chancellor |
| CONTACT: | Youth Programs and Camps Office: (252) 328-4759, Youth Programs and Camps Office website |
| RELATED POLICIES: | University General Records Management Cash Management Plan and Account Receivable Freedom of Expression Regulation Employment of Related Persons (Anti-Nepotism) Policy Notice of Nondiscrimination Policy Supplemental Pay for EHRA Employees |
| ADDITIONAL REFERENCES: | ECU Department for People Operations, Success, and Opportunity (POSO) ECU-Sponsored / Affiliated Programs Standard Operating Procedure (pdf) Third Party Programs Standard Operating Procedure (pdf) ECU Department of Athletics Private Camp/ Clinic Manual (pdf) Chapter 7B-301. Duty to report abuse, neglect, dependency, or death due to maltreatment Chapter 14-318.6. Failure to report crimes against juveniles; penalty Chapter 115C. Elementary and Secondary Education |
| HISTORY: | Approved as interim by Chancellor's Executive Council December 2, 2019; version 2 approved as permanent by Chancellor's Executive Council on July 12, 2021. REG01.15.05 Youth Camps and Programs repealed on January 15, 2020 and replaced with REG01.15.13 ECU Programs Serving Minors. Revisions approved July 15, 2024. |
| PREVIOUS VERSIONS: | No previous versions available. |

1. Introduction

East Carolina University (“ECU” or “the University”) is committed to creating a high-quality and safe environment for all individuals visiting University Property or participating in University programs. The Minors on Campus Regulation establishes standards that focus on protecting the safety of individuals who are under the age of eighteen (18) (“minors”) (see Definitions). This includes mandatory reporting, mandatory registration and approval of Covered Programs, mandatory background checks, and Covered Program staff training requirements.

The Youth Programs and Camps Office (“YPCO”) was established to facilitate compliance with this Regulation and centralize the required approval process for all Covered Programs (see Definitions). All Covered Programs must be approved by the YPCO or its designee on an annual basis and are subject to the oversight, rules, and Standard Operating Procedures (“SOPs”) disseminated by the YPCO. Staff associated with Covered Programs must satisfy the requirements of this Regulation and the applicable SOPs before the commencement of any Covered Program.

2. Definitions

- 2.1 Affiliated Program or Programs Sponsored by ECU: A camp, clinic, activity, or program conducted, either face-to-face or virtually, by the University. The program may be associated with any University unit, department, or organization and may be hosted on or off University Property.
- 2.2 Authorized University Officials: University employees who are authorized to act on behalf of the University regarding this Regulation. Examples of Authorized University Officials include: the YPCO Staff, Police, Student Affairs Administrators, Administration of the Unit or Department Associated with the Covered Program, and Facilities Administrators.
- 2.3 Covered Individuals: Individuals, both paid or unpaid, 18 years or older who work closely with, provide supervision of, or take custody of Minors in connection with a Covered Program. Unless otherwise stated, the word “Staff” herein refers to both Covered Individuals and Junior Staff Individuals.
- 2.4 Covered Program: All camps, clinics, activities, unpaid/paid internships/apprenticeships, and educational experiences programs primarily serving or including minors conducted by the University, whether located on ECU property or any other location (including virtual programming) or are conducted by a Third-Party individual or organization on ECU property. This definition includes both Affiliated Programs/ECU-Sponsored Programs on and off University Property, as well as Third Party Programs/External Programs operating on University Property.
- 2.5 Direct Contact: Care, guidance, control, or supervision of Minors in group or one-on-one settings or the potential for non-incidental one-to-one interactions with Minors.
- 2.6 Field Trip: Instances where minor guests are visiting University Property for one day or less in the care, custody, or control of a third-party organization (including K-12 schools or non-affiliated organizations) for the purpose of participating in a University-organized event or program. During field trips, the University Community does not have Direct Contact with minors. Field trips, for the purposes of this Regulation, do not involve overnight stay.
- 2.7 Junior Staff: Individuals, both paid or unpaid, who are under 18 years of age and provide support for Minors in connection with a Covered Program. Junior Staff must always be under the direct supervision of Covered Individuals when supporting Minors in a Covered Program.
- 2.8 Minor: Any individual under the age of 18 who is participating in a Covered Program and is not enrolled or matriculated student of the University. This Regulation may reference minors as a general class of persons under the age of 18 for certain purposes.
- 2.9 Mandatory Reporter: In accordance with North Carolina State Law (G.S. 7B-301), any member of the University community who reasonably suspects that a minor has been abused or neglected by a parent, guardian, custodian, caretaker, or Covered Individual, has an absolute obligation to report that suspicion to the appropriate County Department of Social Services (County DSS), regardless of where the offense occurred. East Carolina University extends this guidance to encompass reporting all child abuse or neglect by any offender.
- 2.10 Program Contact: The person designated by the Program Director to serve as the point of contact for the YPCO in connection with a Covered Program. The Program Director may designate him/herself as the Program Contact. If no Program Contact is identified to the YPCO, the Program Director shall be deemed to be the Program Contact.
- 2.11 Program Director: The head, organizer, or leader of a Covered Program.
- 2.12 Third Party Program/ External Program: A camp, clinic, activity, or program conducted by a Third-Party individual or organization. The program is not associated with the University except that the External Program is operated on University Property. A Third-Party Program is a Covered Program under this Regulation.
- 2.13 University Community: University faculty, staff, interns, students, temporary employees, visiting scholars, volunteers, and any other University affiliates.
- 2.14 University Property: All grounds, buildings, rooms, auditoriums, facilities, stadiums, or other spaces or improvements, that are owned, leased, used, or otherwise controlled by the University.

3. Scope

- 3.1 All Covered Programs are subject to this Regulation. Procedures for the approval of all Covered Programs are provided by the Standard Operating Procedures (“SOP”) implemented with this Regulation, including the SOP for Third Party Covered Programs, the SOP for Affiliated Covered Programs, and the ECU Department of Athletics Private Camps or Clinics Manual.
- 3.2 The Provost and the Vice Chancellor for Student Affairs, and/or their designees, have joint responsibility for oversight of Covered Programs.
- Reporting suspected child abuse/neglect procedures within this Regulation apply to the protection of all minors (including enrolled ECU students) while those minors are present on University property or while participating in Covered Programs.
- 3.3 Questions about this Regulation or SOPs for Affiliated and Third Party Programs should be directed to the YPCO; questions regarding private camps or clinics operated in affiliation with the Department of Athletics should be directed to the Assistant Director of Athletic Operations, who will consult with the YPCO as appropriate.

All contracts for the services of independent contractors (including third party contractors) who will have Direct Contact with Minors as part of a Covered Program must include a provision that requires compliance with the provisions of this Regulation.

3.3.1 Questions regarding paid/unpaid internships/apprenticeships should be directed to the Employment Unit of Department for People Operations, Success, and Opportunity (contact listed above), who will consult with the YPCO as appropriate.

3.4 The implementing SOPs are subject to periodic updates. Any such revisions to the SOPs will be conducted in consultation with the Office of University Counsel.

3.5 The Youth Programs and Camps Office is charged with monitoring compliance with this Regulation and related SOPs. Failure to comply with the requirements set forth in this Regulation or 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.

4. Duty to Report

4.1 ECU is concerned with the health, safety, and welfare of children and recognizes the legal and ethical obligations that University employees, contractors, and volunteers have to report known or suspected maltreatment of children. North Carolina has systems that mandate reports of suspected child abuse, neglect, dependency, or maltreatment, as well as a system for mandated reporting of certain crimes against juveniles to local law enforcement.

All members of the University Community and any Covered Individual who reasonably suspects that a minor has been abused or neglected or have information that would lead a reasonable person to believe a substantial threat of abuse, neglect, or inappropriate interactions involving minors exists, have an absolute obligation to immediately report that suspicion to the appropriate County Department of Social Services (the county where the juvenile resides or is found), regardless of where the offense occurred. Consistent with N.C. Gen. Stat. 7B-301 the duty to report extends to the protection of all minors, whether enrolled in a Covered Program or not.

In addition, all Covered Individuals shall comply with North Carolina General Statute 14-318.6, which mandates reports to local law enforcement when a child is a victim of certain violent offenses, sexual offenses, or misdemeanor child abuse. An adult who knows or reasonably should have known of any of these offenses inflicted upon a child must report that information immediately.

This Regulation goes beyond the reporting obligation of N.C. Gen. Stat. 7B-301 and N.C. Gen. Stat. 14-318.6, which generally only require individuals to report abuse of minors when the suspected or known abuse is perpetrated by a parent, guardian, custodian, or caretaker to include required reporting obligations for all suspected abuse by any perpetrator, including peer-related abuse, neglect or other maltreatment of children.

If there is an immediate safety-related concern, the University Community shall immediately contact University Police or local law enforcement.

4.2 The Pitt County Department of Social Services (“DSS”) is the appropriate contact for incidents occurring on University Property in Greenville, regardless of the residence of the minor involved.

4.3 The Mandatory Reporter must also notify the YPCO when making any of the reports described in this Section. Notifying the YPCO staff only does not relieve Staff of the duty to report under N.C. Gen. Stat. 7B-301 and N.C. Gen. Stat. 14-318.6.

4.4 Subject to applicable law, policy, rule, or regulation, no member of the University Community, including Covered Individuals, making a good faith report of suspected abuse or neglect will be retaliated against in the terms and conditions of employment, or within participation of educational programs or activities, as applicable, for adhering to this Regulation and North Carolina law.

4.5 The YPCO will ensure that periodic notification is distributed to the University Community and all Covered Programs of all reporting obligations under this Regulation and North Carolina state law.

5. Limitations and Exclusions from Covered Programs

5.1 Separate from Section 4, which is applied in all instances involving minors, the Regulation does not apply to the following:

5.1.1 ECU enrolled or matriculated students (who are minors), including students enrolled in the University’s co-operative innovative high school.

5.1.2. Situations where minors are being supervised by or in the custody of a parent, guardian, K-12 teacher, or other responsible adult not associated with a Covered Program.

5.1.3 Situations where minors are patients of any University-affiliated health care provider, and they are receiving treatment from any medical or mental health practice, clinic, counselor, or other health care-related entity or professional.

5.1.4 Events on University Property open to the general public, which minors attend, but the University is not supervising or taking custody of the minors. This includes facility rentals for sports tournaments and pre-enrollment campus tours as well as any ECU

live-streamed events or virtual programs that do not engage personally identified participants and are generally open to the public.

5.1.5 Events intended for recruitment or orientation of minor students who have been accepted for enrollment.

5.1.6 Minors involved as subjects of Institutional Review Board approved research.

5.1.7 Persons or companies who may be associated with, or provide goods or services to, a Covered Program, but who do not provide supervision or take custody of minors. This includes guest speakers and/or presenters who have no expectation of Direct Contact.

5.1.8 Normal operations of licensed childcare University Program, such as Nancy W. Darden Child Development Center or ECU Community School. These facilities or programs are expected to comply with all applicable laws and regulations.

5.1.9 Minors employed to work on University Property in a capacity not related to a Covered Program (for example, a minor not enrolled at the University working a part-time position with the University or a third-party contractor).

5.1.10 Minors participating in Field Trips. Overnight Field Trips are subject to the Regulation.

5.2 Any program not explicitly excluded by the limitations and exclusions seeking an exception or exemption from some or all of this Regulation must submit a written request to the YPCO at least 90 calendar days prior to the start of the Covered Program detailing the reason for request for the exemption and the basis for exclusion under this Regulation.

6. Covered Program Responsibilities

6.1 Program Registration

6.1.1 Prior to the commencement of any Covered Program, the Program Director shall ensure that their Covered Program is registered with and approved by the YPCO.

6.1.2 Covered Programs must register at least 60 days before the start of the Covered Program.

6.1.3 Covered Programs must be registered with the YPCO on an annual basis.

6.2 Background Checks

6.2.1 All Covered Individuals, shall complete a satisfactory background check prior to being eligible to participate in a Covered Program. The first background check must occur at the start of the Covered Program and must be renewed once every four years.

6.2.2 All background checks must include, at minimum: statewide felony and misdemeanor checks in all states where the person has resided in the last seven years; social security number trace; and national and state sex offender registry checks.

6.2.3 Any proposed Covered Individual whose background check results reveal prior criminal convictions that involve a sex offense, crimes against children, or a serious violent crime may not participate in a Covered Program.

6.2.3.1 University Affiliated Programs must satisfy initial and any subsequent background check requirements by initiating a background check through the process operated by the Department for People Operations, Success, and Opportunity. If a proposed Affiliated Covered Individual is found to have a prior criminal record, the Program must contact the Department for People Operations, Success, and Opportunity for assistance in review and assessment of the results.

6.2.3.2 Third Party Programs must satisfy this requirement by using a qualified background check vendor that is a member of the National Association of Professional Background Screeners. The cost of the required background check is the responsibility of the Covered Program.

6.2.3.3 Junior Staff are not required to undergo background checks.

6.2.4 It is the responsibility of every Covered Individual to report any arrests, charges (including any accusation of a crime by a formal complaint, information, or indictment) and/or convictions that occur during their time as a participant in a Covered Program and/or their time as a Covered Individual. Each arrest, charge or conviction will be reviewed with respect to the nature of the offense, the surrounding circumstances, seriousness and the relevance of the conviction to the Covered Individual's position. If an Covered Individual is arrested or charged for an unlawful offense, the totality of the circumstances surrounding the arrest or charge may be sufficient to be considered unacceptable personal conduct or misconduct of such a nature as to indicate that the individual is unfit to continue to participate in a Covered Program.

6.2.5 If a staff member's responsibilities include operating any motor vehicle to transport Minors, staff must have undergone a satisfactory four-year driver's record check once every four years. Staff members whose duties include driving and whose background checks reveal serious driving related convictions may not be permitted to drive Minors as part of their duties.

6.2.6 For Covered Programs registered with ECU on an on-going and annual basis, subsequent background checks shall be completed consistent with the SOPs, every four years, if the Covered Individual has not had a break in employment, service, or enrollment of more than 180 days.

6.3 Training

6.3.1 All Covered Individuals must receive annual training on University policies pertaining to Minors on campus and mandatory reporting obligations. This training must occur prior to any Direct Contact with Minors.

6.3.2 Program Directors must also develop and maintain documentation of an annual training for all staff regarding:

- a. responsibilities and expectations.
- b. policies, procedures, and enforcement.
- c. appropriate crisis/emergency responses when on or off University Property.
- d. safety and security precautions.
- e. confidentiality issues involving youth.
- f. child abuse prevention, abuse awareness, and mandated reporting.
- g. University liabilities.
- h. Staff members must know how to request local emergency services and report suspected child abuse.

6.3.3 Covered Programs are responsible for training Covered Program Staff under the program's control and for providing certification of completed training to the YPCO prior to the start of any Covered Program.

6.4 Records Retention

6.4.1 Affiliated Programs must maintain their documentation and records in compliance with this Regulation, any requirements promulgated by the YPCO, and, to the extent applicable, the University Records Retention Schedule. All records must be maintained for five (5) years in accordance with the Records Retention and Disposition Schedule after the conclusion of a Covered Program.

6.4.2 Third Party Programs must minimally be able to produce records in compliance with this Regulation two weeks prior to the start of a Covered Program and maintain such records through the duration of their Covered Program.

6.4.3 No destruction of records should take place if audits or litigation are pending or reasonably anticipated.

6.5 Investigations

6.5.1 Investigations of allegations of child abuse or neglect, unlawful discrimination and harassment, sexual and gender-based harassment, sexual abuse or sexual violence will be conducted in accordance with the investigatory protocols of children service agencies, local law enforcement agencies, and the University.

6.5.2 Covered Programs and Staff must cooperate with investigations conducted by Authorized University Officials and authorized external investigators, should they occur. This includes compliance checks by the Coordinator for Youth Programs and Camps.

7. Additional Requirements for Affiliated Programs

7.1 Affiliated programs must adhere to any additional requirements outlined in the Affiliated Programs Standard Operating Procedure, including but not limited to:

- Participant registration
- Supervision requirements and monitoring ratios
- Trainings for participants, parents, staff, and junior staff
- Accident insurance
- Contracting external entities
- Controls for protecting University Resources

7.2 Requirements outlined in the Affiliated Programs Standard Operating Procedure must be met before the start of a Covered Program.

8. Violation and Accountability

8.1 University employees or students shall be held accountable for any violations of this Regulation pursuant to any applicable University Policies, Regulations, and Rules. This Regulation does not otherwise alter or limit the protections, rights and duties of employees and students in connection with their relationship to the University. These responsibilities include but are not limited to those rights and duties set forth in the Faculty Manual, the Student Code of Conduct, and any other applicable law, policy or procedure governing employee or student rights and duties.

8.1.1 Violation of this Regulation by a University employee may result in disciplinary action up to and including termination of employment.

8.1.2 Violation of this Regulation by University students may result in referral to the Dean of Students Office for review student conduct violations.

8.1.3 Volunteers, Interns and Visiting Scholars in violation of this Regulation may result in the end of association or assignment as well as other protective actions such as ban from campus and/or ECU Property.

8.2 Covered Individuals in violation of this regulation may result in disciplinary action that requires immediate removal from Direct Contact with Minors, and/or campus and University Property.

8.3 Violations of this Regulation by a Covered Program may constitute cause for the YPCO to move towards disciplinary action, including, but not limited to, limiting the Covered Program's access to the University or University resources, probation, or suspension from any and all association with the University.

The University will provide organizations with notice of the allegation(s) and an opportunity to respond before sanctioning. The final review and appeal of sanctions will be entrusted to the Vice Chancellor for Student Affairs/ Designee and the Provost/ Designee.

8.4 Notwithstanding any other provision in the Regulation, and subject to applicable statutes, regulations and University policies or procedures, Program Directors and the YPCO retain the right to take immediate action as necessary to protect youth, staff, volunteers, employees, and other persons associated with a Covered Program and to enforce University policies and procedures and protect property. The rights include the ability to immediately separate and/or restrict any individual or Covered Program from access or participation in activities on University Property. After such action is taken, the Covered Program retains all the rights of review set forth above in this Regulation.

9. Youth Programs and Camps Advisory Board (YPCAB)

9.1 The Youth Programs and Camps Advisory Board functions to review Covered Programs, review emerging or ongoing compliance concerns, propose or review changes to the Youth Programs and Camps Regulations, and advise the YPCO. Key campus areas involved in the support and governance of Covered Programs will be represented on the YPCAB. Board members will offer broad perspectives from their various functional areas and advise the Provost, Vice Chancellor of Student Affairs, and the YPCO on matters related to the conduct of Covered Programs. The YPCO will schedule and convene the YPCAB and maintain a meeting minutes and records of actions.

Primary YPCAB member responsibilities include:

- Meeting at least semi-annually (or more frequently if needed) to review Covered Programs conducted during the previous six months and those scheduled to occur in the future six months;
- Reviewing emerging or ongoing compliance concerns with Covered Programs;
- Proposing or reviewing changes to the Youth Programs and Camps Regulation, related reference documents, and educational materials;
- Serving as supplemental expertise for the YPCO

Additional responsibilities are determined by the Co-Chairs of the YPCAB.

10. Special Activities or Programs

Some University activities involving minors on campus may be subject to additional or different statutory or regulatory requirements, including requirements related to background checks and training. This Regulation does not supersede such program specific requirements. Examples of some areas with special program requirements may include, but not limited to, ECU Community School or any other laboratory school created under Article 29, Chapter 116 of the North Carolina General Statutes; Innovative Early College High School or any other cooperative innovative high school created pursuant to Part 9 of Article 16 of Chapter 115C of the North Carolina General Statutes; and/or the Nancy W. Darden Child Development Center or other day care center operated by the University.