

Protection of Minors

Policy 111.1

1 Introduction

1.1 The purpose of this policy is to take affirmative steps to safeguard and protect minor children who visit Appalachian State University ("Appalachian"), participate in University sponsored programs on or off Appalachian property, or participate in third party programs and activities that utilize Appalachian property.

2 Scope

2.1 The policy applies to all faculty, staff, students, vendors and visitors of Appalachian who are supervising, chaperoning, instructing or otherwise engaged with minor participants in University sponsored programs or who participate in third party programs and activities that utilize Appalachian property, including property that is owned, leased, used, or otherwise controlled by Appalachian.

2.2 This policy covers all minors as defined under this policy; however, it does not cover minors who:

1. have been accepted for admittance by the University or have matriculated (i.e., a University student who has started their first day of classes or has declared their intention to enroll in classes as a student at Appalachian); however, this policy does apply to pre-enrollment overnight visits;
2. are on campus for a "dually enrolled" University program while also enrolled in a primary or secondary school;
3. attend events open to the general public, or private events or social functions, who are accompanied by their parent or guardian;
4. are participants in the Appalachian Child Development Center, Lucy Brock Child Development Laboratory Program, or an Appalachian Laboratory School subject to N.C. Gen. Stat. § 116-239.5 et. seq.; or
5. are participants in University sponsored programs that are subject to oversight by the Institutional Review Board (IRB) or are participants in University sponsored programs of the Blue Cross NC Institute for Health and Human Services (IHHS). This includes clinical, field affiliates, and research affiliates of the IHHS. However, all faculty and staff involved in IRB or IHHS activities and programs who routinely interact with, treat, supervise, chaperone, instruct, or otherwise oversee minors must comply with Sections 4.2, 4.3, 4.4, and 4.5 of this policy, and Section 4.9 and 4.10 still apply where applicable.

Notwithstanding, unless otherwise expressed in this policy, any minor on University property who is not participating in a University sponsored program, or third-party program or activity on University property, is expected to be accompanied by a parent or guardian at all times. The University reserves the right to determine, in its sole discretion, whether selected facilities, locations, or events on campus are appropriate for unescorted or unsupervised Minors.

3 Definitions

3.1 Minors

Any person under the age of 18, except for those individuals referenced in Section 2.2.

3.2 One-on-One Contact

Contact between less than three Minors and one Program Staff, who is not the Minors' parent or guardian, without at least one other Program Staff present (i.e., one Minor and one Program Staff, or two Minors and one Program Staff).

3.3 Program Staff

Individuals, age 18 or older, who may routinely interact with, supervise, chaperone, instruct, or otherwise oversee Minors in connection with University and Third-Party Programs.

3.4 University Program

Any class, camp, program, activity, or planned event that: (a) includes the participation of a Minor, and (b) is sponsored by an academic or administrative unit of the University, regardless of the activity being conducted on or off campus.

3.5 Third-Party Programs

Any class, camp, program, activity or planned event operated by an entity other than the University which primarily serves or includes minors and uses University Property under an agreement with the University. Such programs would include Local Education Agency ("LEA") field trips, testing, and social activities.

3.6 Covered Program

Any program, event, or activity, to include University Programs and Third-Party Programs, that is created and operated to the benefit of Minors.

3.7 Program Organizer

An individual identified by the Covered Program who is responsible for the day-to-day decision making and supervision of Minors participating in a Covered Program and Program Staff. This individual is also responsible for serving as the primary contact during the Covered Program with Conference and Events Services.

3.8 Authorized Representative

Any University department or employee who hosts, sponsors, or invites minors to University-owned property for a Covered Program.

4 Policy Statements

4.1 Registration

4.1.1 All Programs must be registered and approved by Conference and Events Services and identify a Program Organizer at least forty-five (45) days before the Program start date. Additionally, recurring Covered Programs must be re-registered and approved by Conference and Events Services annually.

4.1.2 Approval will be granted by Conference and Events Services upon a satisfactory showing that the Covered Program has fully complied with this policy and other procedures governed by Conference and Events Services in compliance with this policy.

4.1.3 Authorized Designees shall be responsible for facilitating the registration of Covered Programs with Conference and Event Services. In the event an Authorized Designee cancels or suspends a Program, they shall be responsible for giving notice to Conference and Event Services as soon as practicable.

4.2 Youth Program Background Checks

4.2.1 The Program Organizer, or designee, is responsible for certifying all Program Staff complete a criminal background check and sex offender registry screening before the Covered Program start date. Program Staff may not supervise or interact with Minors until a satisfactory background check and sex offender check consistent with this policy has been completed.

4.2.2 Program Staff who are also employees of the University throughout the duration of the Covered Program may meet Section 4.2.1 obligations if the Program Staff member has successfully complied with the background check requirements of Appalachian [Policy 602.30 - Criminal Background Reports](#).

4.2.3 Covered Programs with Program Staff who are not Appalachian employees, must certify to Conference and Event Services that all Program Staff have completed a criminal background check and sex offender registry screening before the Program start date. Program Staff whose background check reveals a prior criminal conviction for a sex offense, a crime against children, a serious violent crime involving assault or injury to others, drug use or possession, weapon offenses, or animal abuse may not participate in a Covered Program.

4.2.4 Program Staff who will be transporting Minors must complete a driver's license check. Any individual whose drivers' license check reveals serious driving-related convictions is not permitted to transport Minors as part of Youth Program responsibilities.

4.2.5 Background checks for Program Staff must be conducted, at minimum, every four (4) years, unless Program staff are employed by a public or private LEA requiring background checks pursuant to Federal, State, or Local laws. In the event background check requirements in this policy conflict with the requirements of public or private LEAs, the LEA policy applicable to the Program staff shall govern. When background checks and driver license history checks are conducted, at minimum, the checks must look at the previous five (5) years, or since the Program Staff reached the age of 18, whichever is shorter.

4.2.6 Any Program Staff whose background check reveals a prior criminal conviction may be prohibited from participating in a Youth Program depending on the nature of the conviction and its relevance to the Program Staff members position.

4.2.7 All Program Staff must self-disclose any criminal convictions or any arrest involving a sex offense, a crime against children, a serious violent crime involving assault or injury to others, drug use or possession, weapon offenses, or animal abuse. The disclosure must be made during the initial enrollment of the Program Staff member in the Youth Program, or within three (3) business days of the conviction or arrest if occurring after enrollment.

4.3 Child Abuse and Neglect Reporting

4.3.1 Covered Programs and Program Staff are responsible for reporting any abuse or neglect of Minors, and follow all other requirements as prescribed pursuant to Appalachian [Policy 111.2 – Reporting Suspected Child Abuse and Neglect](#). Furthermore, Covered Programs and Program Staff must also make a report to the Director of Conference and Events Services in the event child abuse or neglect is suspected.

4.4 Covered Program Training

4.4.1 Before the Covered Program start date, Covered Programs must certify that all Program Staff have completed annual training related to the protection of Minors including but not limited to: (a) Appalachian policies pertaining to the protection of Minors, including this policy and mandatory child abuse and neglect reporting requirements under Appalachian [Policy 111.2 – Reporting Suspected Child Abuse and Neglect](#); (b) the detection and prevention of child abuse and neglect; (c) crisis management and safety of Minors; and (d) acceptable behaviors when interacting with Minors.

4.5 Program Staff Acceptable Behavior

4.5.1 Program Staff are required to conduct themselves in a professional manner appropriate for the age of the Minors they are interacting with and supervising. Program Staff must abide by [Appalachian's Guidelines on Acceptable Behavior with Minors](#)

4.6 Supervision of Minors

4.6.1 Minors must be supervised at all times by Program Staff, or their parents or guardians, while on University property (e.g., walking to and from Covered Program activities).

4.6.2 Program Staff are responsible for ensuring that Minors are restricted from accessing certain areas or equipment on Appalachian property to protect the Minors health and safety, including but not limited to laboratories and other areas where significant safety hazards may exist and strict safety precautions are required.

4.7 Minimum Supervision Ratio for Minors

4.7.1 Unless a more stringent ratio is required by the Director of Conference and Event Services, all Covered Programs must adhere to the following Program Staff to Minor minimum staffing ratios:

Age of Minor	Number of Staff	# of Minor Participants (Day)	# of Minor Participants (Overnight)
5 years old & Younger	1	6	N/A
6-8 years old	1	8	N/A
9-14 years old	1	10	8
15-17 years old	1	12	10

4.7.2 Appalachian prohibits One-on-One Contact with Minors. In limited circumstances, to the extent that a Minor would like to confide in a Program Staff member, the conversation must be conducted in a well illuminated area and remain open to observation by another Program Staff member.

4.8 Overnight Youth Programs

4.8.1 The Director of Conference and Events Services shall be responsible for the development and management of University procedures for housing Minors in University facilities for overnight Covered Programs. These procedures will be developed in collaboration with University Housing. However, in no event should a Minor under the age of 9 be allowed to participate in an overnight Covered Program.

4.9 Policy Implementation and Compliance

4.9.1 Administration of this policy shall be consistent with federal and state law and regulations, UNC System policies, and University policies.

4.9.2 The Chancellor has delegated authority and oversight for the administration and implementation of this policy to the Vice Chancellor of Finance and Operations, including the process and mechanism for enforcement and sanctions. The Director of Conference and Events Services shall be responsible for the development and management of University procedures consistent with this policy with oversight from the Vice Chancellor of Finance and Operations, including procedures to ensure that all Covered Programs have complied with background checks and training of Program Staff as prescribed under this policy.

4.9.3 Covered Programs and Program Staff are required to adhere to Covered Program procedures developed by Conference and Event services, as well as federal and state laws pertaining to the supervision of Minors.

4.9.4 Covered Programs shall be responsible for all costs associated with compliance with this policy, including but not limited to personnel costs, administrative costs, and background check fees.

4.10 Enforcement

4.10.1 Appalachian will enforce violations of this policy, including but not limited to inappropriate conduct, leaving a Minor unattended, or not adhering to procedures prescribed by the Director of Conference and Events Services. Violations of this policy may result in grounds for disciplinary action, up to and including termination or expulsion from Appalachian, discontinuation or termination of a Youth Program, removal of Program Staff from a Youth Program, as well as personal civil liability or criminal sanctions.

5 Additional References

Appalachian Policy 111.2 – [Reporting Suspected Child Abuse and Neglect](#)

6 Authority

UNC System Policy 1300.10

7 Contact Information

Conference and Event Services – 828-262-3045

8 Effective Date

June 1, 2020

9 Revision Dates

March 23, 2021

June 7, 2023