



THE UNIVERSITY *of* NORTH CAROLINA
GREENSBORO

Report of the Task Force on Children at UNCG

**Submitted February 8, 2013 to
Chancellor Linda P. Brady
by
Task Force on Children at UNCG
James Clotfelter, chair**

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1. INTRODUCTION

The University of North Carolina at Greensboro (UNCG) community, along with most of the American public and higher education community, was horrified by what came to light in 2012 about a pattern of child abuse at Penn State University. Chancellor Linda P. Brady determined that UNCG should devote a major effort to identifying both best practices and risks that all UNCG programs should be aware of, and to recommending steps to see that our programs and activities protect children. Eleven days after the Freeh Report was issued on Penn State, Chancellor Brady charged a task force to do an extensive investigation and to provide a report to her by February 15, 2013. The members of the Task Force were a broad cross-section of the University community. This is the report of that Task Force on Children at UNCG.

UNCG has a long history of leadership in instructional and research programs related to children and child development. UNCG has a wide variety of special programs and camps that involve children and other vulnerable persons. Although the focus was children, we recognized that the same principles apply to what we are calling “vulnerable persons,” or what the State of North Carolina calls physically or mentally “disabled persons,” and so they were included in the scope of the study. UNCG faculty, staff, and students work in the community in various credit and non-credit ways. Children and other vulnerable persons use UNCG’s facilities in a variety of ways. No matter what kind of program or opportunity it is, we expect that everyone associated with UNCG will comply with applicable laws, university policies, and best practices in order to provide children and other vulnerable persons with a safe and beneficial experience.

State and federal laws provide some requirements designed to safeguard children and other vulnerable persons from abuse, and they will be discussed below. Universities have policies and procedures, and they will be discussed. In addition to laws, policies, and procedures, universities (and all other institutions) have “cultures” that encourage certain behaviors and discourage others. So, we have been attentive to cultural aspects as well. This report discusses training for persons who work with children and other vulnerable persons.

This report recommends a series of steps that UNCG can take to strengthen existing safeguards protecting children and other vulnerable persons.

2. UNIVERSITY ENVIRONMENT

Primary author: Julia Jackson-Newsom

The task force began its work with a focus on three tasks: 1) developing a better understanding of the extent to which children and other vulnerable persons are involved in UNCG programs and activities by conducting a comprehensive inventory; 2) clarifying the relevant legal and regulatory policies and procedures related to this topic; and 3) exploring needs and forming recommendations for implementing training. Beyond specific policies, training mechanisms, or programs, there also are larger cultural dynamics that play a role in determining whether a University is a safe place for children and other vulnerable persons to learn, grow and prosper. Responsiveness to our attempt to inventory programs, willingness to follow the parameters set forth by policies and procedures, and the efficacy of training efforts are only likely to be effective to the extent they are embedded in a larger culture that promotes communication, ethical behavior, accountability, and trust.

University Environment and Obligations

Because of both the social norms and the legal consequences associated with child maltreatment, particularly when it is sexual in nature, individuals may be hesitant to talk about suspicious behavior they observe. Fear of damaging another’s reputation or subjecting an individual to legal and/or criminal proceedings because of a false accusation

can lead to a delay in reporting or a failure to report questionable behavior. Delay or failure to report, in turn, can mean victims continue to be subjected to harmful treatment. Though personal characteristics and responsibility play a role in whether individuals choose to report, there is evidence that organizational characteristics play a role in increasing the likelihood of reporting. Case in point, the failure of Penn State authorities to report the allegations against Jerry Sandusky is largely regarded as primarily driven by cultural dynamics related to power, (abuse of) authority, fear of retribution, group think, and concerns about reputation that led to failure to follow policy and procedure and suppression of information.

The cultural, structural, and environmental factors related to ethical behavior in organizations are addressed in a variety of literatures, including the organizational literature emanating from industrial/organizational psychology, literature on fraud, unethical behavior, and whistleblowing in financial organizations emanating from the business/management literature, and literature that specifically addresses factors related to maltreatment of vulnerable populations emanating from the psychology, education, and health literature. (See, for example, “culture” sources in appendix.) This literature suggests several actions that organizations can take to shape their culture, structures, and environment in such a way that encourages personal responsibility, minimizes pressures that may discourage individuals from coming forward, and establishes a climate of mutual accountability.

- *Routinely include language about moral and ethical behavior in discussions.* Inclusion of consistent discussions of the moral and ethical aspects of problems, decisions, and plans can prime individuals within the organization to explicitly think about the ethical nature of and solutions to sensitive situations. Consistent use of such language also sends a clear message about the values embraced by the organization.
- *Vest responsibility for carefully listening, communicating the importance of reporting, and following through with appropriate reporting actions in administrators/leadership at all levels.* Supporting and encouraging the voices and authority of individuals who are more proximal to the areas where the problems are occurring can help to ensure that they are heard.
- *At the same time, it is crucial to have a defined structure for reporting and investigating suspected maltreatment.* Diffusion of responsibility can be a significant deterrent to the reporting of concerns. When clear lines of communication and responsibility are established and well publicized, this is less likely to happen. Defining the “ethical infrastructure” of the organization includes the establishment of a clear and widespread understanding of the final risk-bearer (responsible party) who is charged with ultimate oversight over the program/project/initiative in question.
- *Individuals may be more likely to report suspicious behavior to someone who has the authority to follow through and take action if needed.* They may also be more likely to turn to people who have demonstrated in the past that they are not hesitant to speak up when needed.
- *Be clear that ethical behavior is the expectation of all employees, and make it clear to employees in positions of power and authority that they are expected to model ethical behavior.* Reporting is more likely when individuals perceive that their leaders behave in ethical ways.
- *Be aware of power dynamics.*

Power dynamics are an inherent part of any system, regardless of attempts to promote equity, transparency, and shared responsibility. These dynamics apply to faculty (e.g., assistant professors who are beholden to associate and full professors for promotion), students (e.g., graduate students who are beholden to their professors for their educational progress), and staff (e.g., administrative assistants who are beholden to their supervisors for evaluation and promotion). All members of the UNCG community should feel they have options for reporting that fall outside of the power structure that directly impacts them and their success.

- *Be aware that situations in which there is significant pressure to meet questionably attainable (e.g., “stretch”), high-stakes goals or that put employees in a position of role conflict can decrease the likelihood of reporting.*

Careful attention should be given to ensuring that individual responsibility and accountability are not being compromised at the expense of goals perceived to be highly important.

- *Creating external rewards of any kind for ethical behavior can actually decrease motivation for individuals to make ethical decisions.*

It is long established in the literature that inducing behavior with external rewards reduces existing intrinsic motivation (e.g., doing it because you know it’s the right thing) for acting.

- *Punishment related to violations of ethical behavior should be appropriately serious. “Slap on the wrist” punishment can be more detrimental to likelihood to report than no punishment at all. If individuals feel that even when wrong-doing is established, there are no consequences, they are less likely to be motivated to put energy into following through with reporting. Of course, personnel regulations may interfere with the ability for reporters to be told about the results of investigations and their consequences but, to the extent possible, it is important to make sure that consequences do not unintentionally reinforce apathy about reporting by seeming inconsequential.*

- *Relatedly, putting too much emphasis on following through to be “compliant” versus following through to “do the right thing” can discourage reporting.*

Again, tying behavior to external regulations can remove the intrinsic motivation of individuals to follow through with reporting.

- *Be aware that subcultures exist in the larger culture.*

It is essential that expectations be communicated at all levels, and that oversight is provided such that subgroups within the organization do not drift toward creating a culture contrary to the larger cultural expectations.

- *Putting decisions about ethical behavior in the hand of a group may not result in a more informed/fair decision.*

Having multiple sources of expertise and perspective is certainly important, but action requires decisions by individuals with responsibility.

3. PROCESS FOLLOWED BY THE TASK FORCE

Chancellor Brady wanted to have broad campus involvement in the process of identifying UNCG’s programs and determining the best ways to set and maintain high standards. To do this, she named a task force of 27 people representing a wide range of programs in Academic Affairs, Student Affairs, and Intercollegiate Athletics. People with relevant expertise, such as the University Counsel and Enterprise Risk Management Officer, were included. To chair the task force, she named James Clotfelter, Vice Chancellor for Information Technology Services and Chief Information Officer.

Beginning August 22, 2012, and ending January 29, 2013, the task force met several times for broad discussion, but most of its work was carried out by four committees – on the inventory, training, campus culture, and an oversight group responsible for guidance of the task force. (Members are listed in the appendix.) A web site was created for resources relevant to the task force.

Since there was no central depository of information about programs that relate to children and other vulnerable persons, the first task was to gather that information. We sent out a request to the campus and followed that with requests to the Deans and others to identify programs that might involve children. (This is discussed in greater detail

in section 4a. Our focus was on children – that is, persons under age 18 who were not registered as regular UNCG students. (If they were regular UNCG students, they were excluded from the scope of this study because there are other processes in place for how students are to be dealt with.) Although the focus was children, we recognized that the same principles applied to what we are calling “vulnerable persons,” or what the State of North Carolina calls physically or mentally “disabled persons,” and so they were included in the scope of the study. Treated separately were purely research programs, or the research components of research-plus-service programs, on the grounds that research on people is regulated through the Institutional Review Board (IRB). We sought to identify all of the ways in which UNCG related to children, through programs, facilities, or off-campus activities, so that risks could be considered in each of those areas.

The training committee met on several occasions between September and November 2012 to develop training recommendations and options for campus-wide training related to the protection of children and other vulnerable groups. Two Google docs were set up so that committee members could record relevant training modules and best practices in training on harassment prevention and child protection issues from other universities and colleges.

This report was developed in draft form by the oversight group, discussed by the full task force on January 29, and approved on February 8, 2013. It was submitted that day to Chancellor Brady. She will take action on recommendations in section 6, and will oversee implementation of whatever recommendations she decides to adopt.

4. PROGRAMS AND ACTIVITIES FOR CHILDREN

4a. UNCG PROGRAMS & ACTIVITIES & PROCESS OF DATA GATHERING

Primary author: David Schaefer

The Instrument and Its Limitations

The inventory went through several iterations prior to final deployment and was designed to ask programs for the most critical information, understanding that UNCG is engaged in a wide variety of programs and that no single instrument could capture all relevant facts. The need for information was balanced with a concern for minimizing the time demands we were placing on respondents. Recipients were provided with the opportunity to provide contextual information for the brief responses they gave in the inventory. For example, recipients were able to provide practice manuals, ethical guidelines, and web links either via e-mail, fax, or hard copy. The inventory provides a general understanding of a range of campus programs and their scope. **One hundred twenty-five separate programs** serving children and/or vulnerable persons were identified. It was determined that approximately **22,200 minors and/or vulnerable persons** are served by UNCG programs on an annual basis. Further details are set forth below, and the full list of programs and activities is in the appendix.

Given the wide array of UNCG programs serving children and/or vulnerable persons and the limited detail that the inventory (29 questions) requests, the information captured by the inventory is not capable of providing a complete picture of individual programs, nor can it accurately convey the complete picture of UNCG programs as a whole. Also, while reasonable efforts were made to obtain information on a sizeable portion of UNCG programs serving children and/or vulnerable persons, the programs reported on may not include all such programs.

For a variety of reasons, we expect these data are imperfect. Nevertheless, the inventory represents a first significant step toward summarizing the scale and type of programs and activities that exist at UNCG involving children and/or vulnerable persons.

Data-Gathering Process

In the data gathering process, there was an effort to provide uniformity to the information that respondents received. For example, instead of deploying paper surveys, the task force used Qualtrics, an electronically-based survey program, which both reduced paper and helped recipients respond to the Inventory at their convenience. In addition, a single point of contact was provided for inquiries regarding the Inventory, enhancing the level of uniformity of information that inventory recipients received.

Waves 1-4

On September 12, 2012, the inventory e-mail with embedded Qualtrics link was sent to 18 recipients (Wave 1) identified by the Task Force Oversight Committee as likely to have programs having contact with children and/or vulnerable persons. Attached to the e-mail was the cover letter provided by Dr. James Clotfelter, chair of the task force. (See appendix for cover letter). The Deans Council, having previously been informed of the work of the task force, was copied on the outgoing e-mail to keep them aware of the progress of the inventory distribution. The task force and the Deans Council provided additional names. On October 1, 2012, the Inventory e-mail was sent to 36 recipients that comprised Wave 2. (See appendix for the Wave 1 and Wave 2 lists.)

On October 12, 2012, the inventory e-mail with embedded Qualtrics link was sent to 55 recipients that comprised Wave 3. (See appendix for Wave 3 list.) The 17 recipients in Wave 4 received the inventory e-mail between 10/19 and 10/24. Many of the names of the recipients in this wave emerged as a result of information gathered from the recipients of Waves 1 through 3.

Responses

There was a 100% response rate, with all recipients responding to the inventory. One hundred thirty-four inventories were received, and approximately two recipients did not submit inventories but rather submitted information on their programs. One hundred twenty-five programs were identified, with some housed within the same academic unit; multiple inventories were sometimes submitted for the same program from different recipients. In addition, inventories were sometimes submitted by individuals who had not received the original e-mail. This is partially due to the fact that the inventory e-mail encouraged recipients to forward the e-mail and accompanying cover letter to appropriate campus stakeholders who might not have been identified as potential recipients. A number of “false positives” were identified in Waves 1 through 4, with some inventory recipients acknowledging receipt of the Inventory but then explaining that their program did not serve children and/or vulnerable persons.

Table 1. Summary of waves and responses

	Date inventory distributed	Number of recipients for the Inventory
Wave 1	9/12/12	18
Wave 2	10/1/12	36
Wave 3	10/12/12	55
Wave 4	10/19/12 to 10/24/12	17
Total		126

Areas of Focus

Questions in the inventory were targeted toward potential areas of “risk” including overnight stays on or off campus as well as transporting children and/or vulnerable persons. (See copy of inventory in appendix). In addition, potential best practices were explored in terms of background check, plan or protocol in place if a child and/or vulnerable person was injured, and training regarding children and/or vulnerable persons provided to program

workers. When programs engaged in particular areas of risk, it generally appeared that the overall structure of the program provided protections for children and/or vulnerable persons.

As discussion around the data progressed, meaningful categorizations of “program” emerged, highlighting important distinctions between and among programs and the implications those distinctions could have for potential best practices.

Program Categories

While some programs potentially fit into more than one category, it was possible to place each of them into one category that best fit the core thrust of the program. The categories, their corresponding criteria, and the rationale for creating them were as follows:

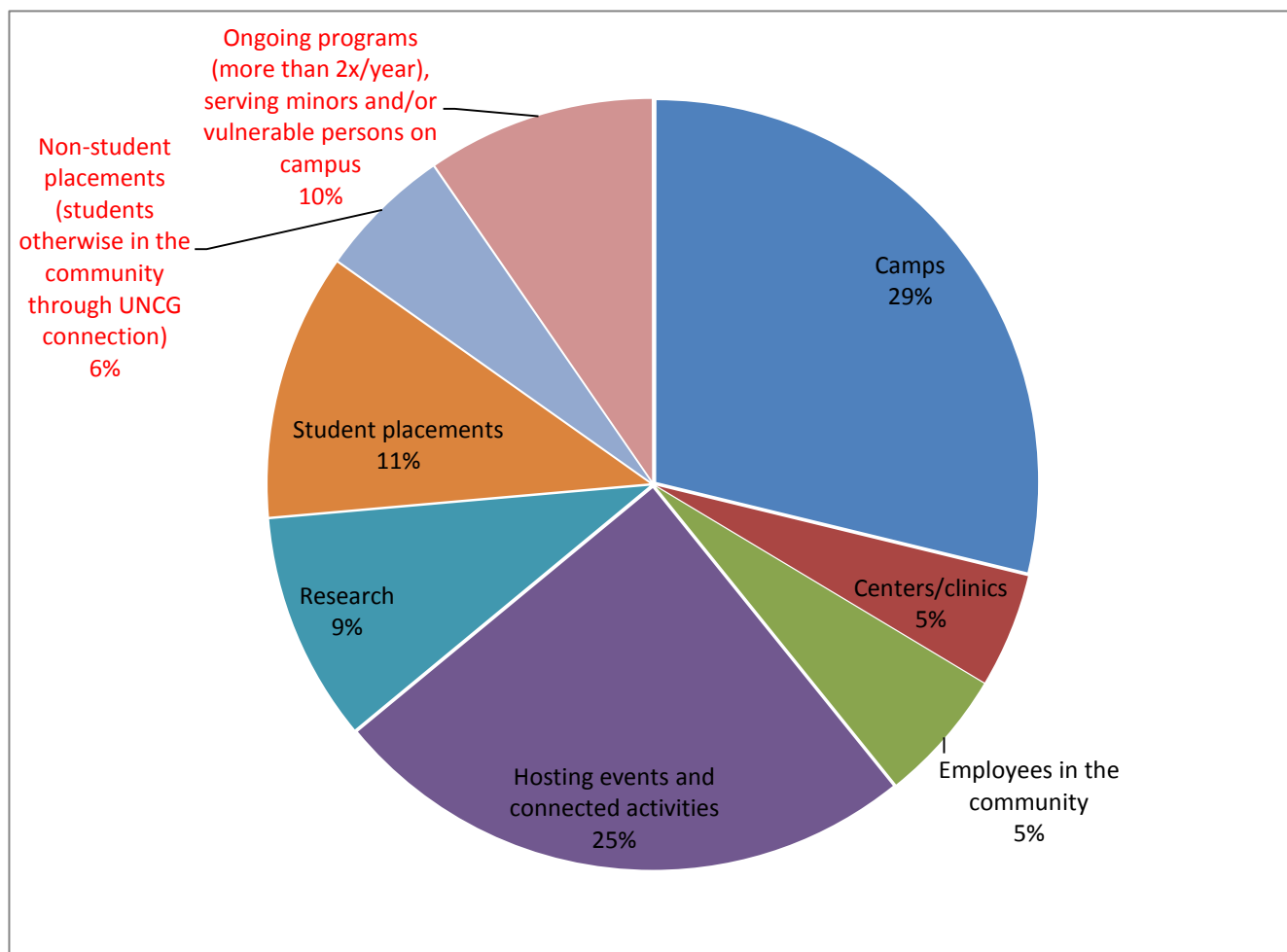
- Camps
 - Criteria: Programs self-identified as “camp” and programs that have functions or activities similar to those that have self-identified as camp, including: overnight stays, summer program activities, day camps, and night camps. The working definition of “camp” is “a program offering access to educational or recreational facilities for a limited time period” (adapted from www.merriam-webster.com/dictionary/camp). These were generally activities that were pedagogical in nature and focused on instruction of minors.
 - Rationale: These programs typically involve extensive interfacing with children and/or vulnerable persons, often in large numbers; the agencies (for example, the [American Camp Association](#)) that accredit camps appear to be comparatively well-known and specifically focused solely on camps; there also appears to be a distinct and comparatively large body of literature specifically describing protective activities for camps.
- Centers/clinics serving patients or the public, including single programs housed in center/clinic
 - Criteria: Providing individual diagnosis or treatment, intervention, evaluation, or assessment.
 - Rationale: These centers/clinics are typically in place to provide both student training opportunities and service to UNCG and its larger community. The disciplines within which these centers/clinics are based often have ethical rules that govern the behavior of individuals in their fields. Illustrations of this include the [Code of Ethics of the American Speech-Language-Hearing Association](#) and the [Ethical Principles of Psychologists and Code of Conduct](#) of the American Psychological Association. Also, many of the areas of expertise represented in these centers/clinics are regulated by licensing requirements that include strict ethical standards, monitoring processes for ensuring compliance, and consequences for violations. Because of this regulatory environment, and the unique services provided by centers/clinics, they were treated as a separate category.
- Employees in the community
 - Criteria: UNCG employees working off campus with minors and/or vulnerable persons.
 - Rationale: UNCG employees working in the community may engage in actions for which the University could be held liable. We expect, the campus may provide a more observant, observed, and therefore secure environment for children and/or vulnerable persons interacting with UNCG employees. That same environment may not exist off-campus, and programs may need to ensure that employees have the training they need to interact in a circumspect fashion while working off campus.
- Hosting events and connected activities (with estimated 100 or more engaged in roughly the same activity in roughly the same space, and then those with estimated fewer than 100 engaged in roughly the same activity in roughly the same space)
 - Criteria: Events that do not fit into the camp category and that involve varying numbers of people (100 or more, or less than 100) and varying levels of UNCG involvement (UNCG-sponsored versus a mere space-usage arrangement)

- Rationale: Certain risks are raised by virtue of inviting others to campus premises, some of which might be mitigated contractually, perhaps through a facility use agreement. Programs included in this category are not counted in another category, although the risks related to premises liability may be present for every activity or event held on the UNCG campus or in which UNCG participates. These programs were divided by size on the assumption that larger numbers of people may entail more risk for children and/or vulnerable persons and that smaller numbers might potentially entail less risk. The programs were further divided by apparent level of UNCG involvement on the assumption that lower levels of UNCG involvement potentially decrease risk of liability. However, the reduced level of involvement also might point to the need for UNCG to be more selective in choosing who is allowed to use its space as lower levels of UNCG involvement may mean less of an opportunity to review the practices of the agency or group using the space.
- Research
 - Criteria: Research activities focused on a small sample of human subjects.
 - Rationale: One of UNCG’s areas of strength is research involving children and families. The conduct of research involves interactions between UNCG students/employees and children, and may involve asking children and their families to spend time on campus. The conduct of research is heavily regulated, with oversight and review provided by the [Institutional Review Board](#) (IRB) and the [Office of Research Integrity](#), regardless of whether such research is externally funded. These characteristics indicated a need to treat these programs as a separate category.
- Student placements
 - Criteria: Practicum or internship, as part of course requirement, or otherwise for academic credit.
 - Rationale: The range of agencies and contacts with the public as well as the potential gaps in training between the UNCG department and the agency where the student is placed highlight the need to treat this as a separate category.

Table 2. Number of programs by category (106 of 125 total)

Camps	Centers/clinics	Employees in the community	Hosting events and connected activities	Research	Student placements
36	6	7	31	12	14

Figure 1. Program type as percentage of total programs identified (125)



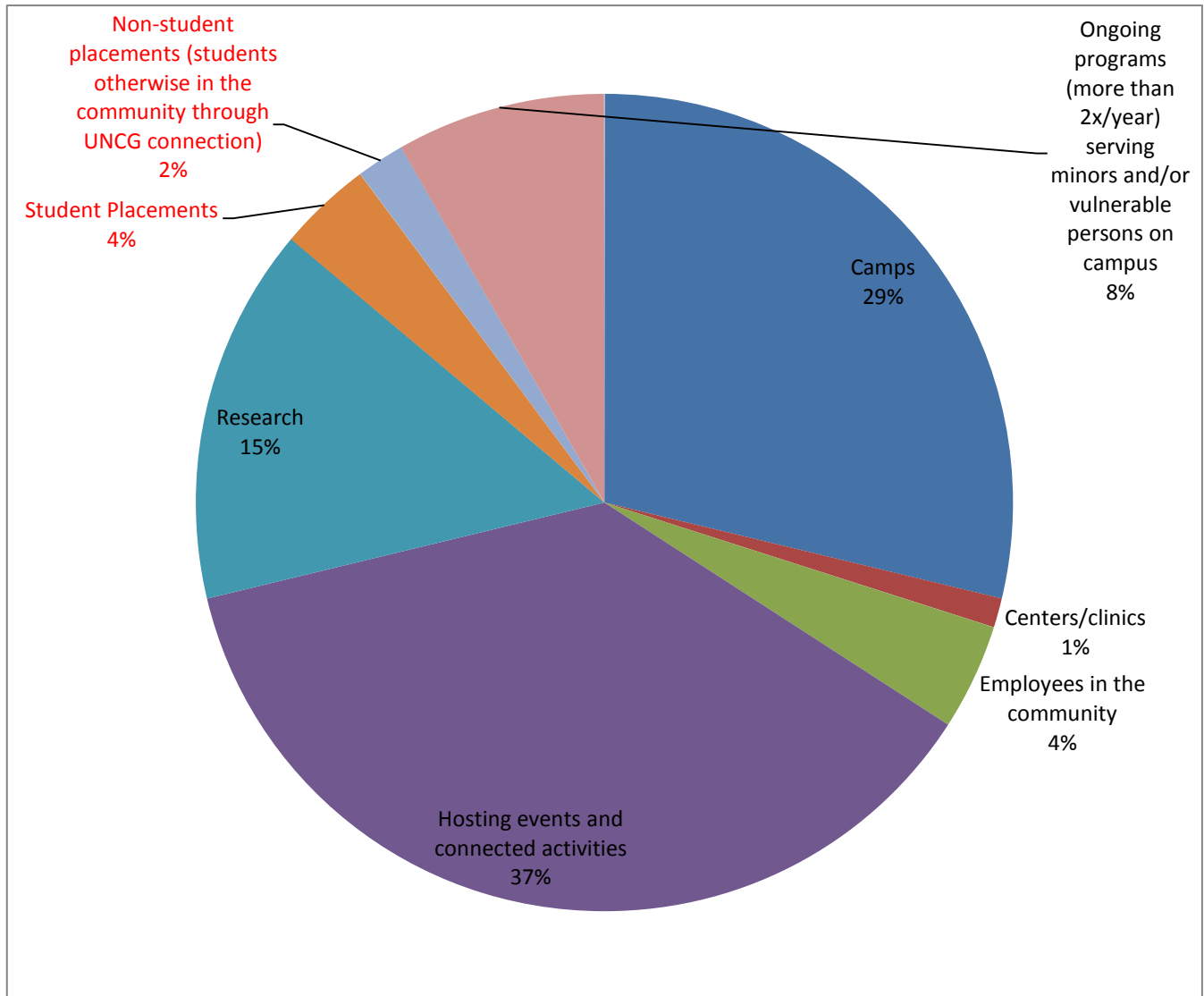
Red text = program categories not reviewed in this section; for information on programs in these categories, see appendix.

Program Magnitude: Numbers of Children and/or Vulnerable Persons Served

UNCG serves a significant number of minors and/or vulnerable persons every year. Those 49 programs that served 100 or more children and/or vulnerable persons served approximately 22,200 minors and/or vulnerable persons annually, and programs serving less than 100 children and/or vulnerable persons served an estimated 2,650 children and/or vulnerable persons annually. Thus, of those programs for which information was received, approximately 24,850 children and/or vulnerable persons were served by UNCG programs annually. Approximate totals of children and/or vulnerable persons served annually by program type are listed below.

- Camps: 7,200
- Centers/clinics: 300
- Employees in the community: 1,050
- Hosting events and connected activities: 9,250
- Research: 3,700
- Student placements: 900

Figure 2. Number of children and/or vulnerable persons served, by program category, as percentage of estimated total served (24,850)



Red text = program categories not reviewed in this section; for information on programs in these categories, see appendix. Blue numbers = Figure 1 numbers: Program type as percentage of total programs identified.

UNCG Practices by Program Type

Camps

Information collection and retention

Thirty-one camps collected information on children and/or vulnerable persons in the program and their parents. Thirteen of the 36 camps collected the following information: Child Info—Name, Gender, Date of Birth, Grade, Medical History, Allergies/Medical Conditions, Insurance and Medications. Parent Info—Name, Address, Phone, Email, Backup In-Case-of-Emergency Info, Permission-to-Treat Waiver, Liability Waiver and Photo Release. Fourteen of the 36 camps collected parents’ address, email address, and phone number.

Fourteen of the 31 camps that collected information kept it for a total of seven years. Five of the 36 programs retained information until the student graduated from high school. The remainder kept it for timeframes ranging from until the end of the specific camp to indefinitely.

Five of the 36 camps did not collect information on children and/or vulnerable persons in the program and their parents. However, in at least one instance, a partner agency had collected parental information, and that information was accessible to UNCG personnel.

Plan or protocol in place for instance where a child and/or vulnerable person may have been harmed

Nine of the 36 camps had a plan or protocol in place for an instance where a child and/or vulnerable person may have been harmed, with the remainder answering no plan or protocol in place. However, the majority of those answering that they had no such plan or protocol also indicated that they had collected parental contact information and would presumably contact the parents as well as engage the appropriate authorities in the event of such harm. Because of the limited nature of the inventory, it is unclear that a lack of plan or protocol would indicate a lack of proper steps taken in the event of such harm.

Background checks

Twenty of the 36 camps indicated that background checks were conducted on those who worked in the camps, with 14 of the camps indicating no background check, and two that did not respond to the question. While these figures may bear further exploration, it is worth noting that a significant number of camp workers are UNCG employees, and all UNCG employees (hired since 2008) undergo a background check prior to hire.

Training provided to program workers regarding protection of children and/or vulnerable persons

Seven of the 36 camps indicated some training was provided or had been provided, at times through another agency or by virtue of program workers being certified teachers. Seven of the 36 camps indicated that no training regarding the protection of children and/or vulnerable persons was provided. Other responses were unclear as to answering the question but often provided useful contextual information, such as noting that a trained professional was always present to deal with safety issues.

Overnight stay on campus or off campus and related practices

Seven of the 36 camps involved overnight stays on the UNCG campus, with one camp indicating the possibility that it would have students staying overnight on campus during summer 2013. All seven camps indicating overnight stays also indicated that the camp participants stayed in UNCG residence halls. Four of the seven camps indicating overnight stays also indicated that campers roomed with other campers and that camp staff stayed in the residence halls with the campers to supervise them and that a minimum of one athletic trainer was required to stay overnight. Similarly, one camp indicated that a veteran camp counselor was assigned as head counselor for each residence hall and indicated that other camp staff were assigned as counselors to each residence hall. This camp also indicated that campers carry a building access "fob" that permits access to the residence hall.

Five of the 36 camps indicated that minor program participants might stay off-campus in hotels or in other housing arrangements locally. One camp indicated that teachers were responsible for their own students and might stay with them (sleeping arrangement unspecified) in local hotels. One program indicated that parents were required to stay with their children if they stayed off campus. Camps that might involve an off-campus overnight stay usually indicated that students would be chaperoned by a parent or school teacher.

Transportation of children and/or vulnerable persons on or off campus and related practices

Six of the 36 camps indicated transportation of children on or off campus by means of a car, van, or bus, with one indicating transportation by UNCG passenger vans by van drivers who are certified, and another explaining that schools that participated in the program provided for their own transportation while UNCG arranged for their parking

and that UNCG program workers never boarded the buses. Another camp indicated that it only transported children and/or vulnerable persons in the event of an injury or extreme illness, in which case the person might be transported to urgent care or the hospital.

Accreditation and/or certification by non-UNCG organizations

One of the 36 camps indicated being accredited and/or certified by an outside agency (an educators' association). It is not clear if the accreditation was in any part based upon a review of practices around the protection of children and/or vulnerable persons.

Centers/clinics

Information collection and retention

Five of the six centers/clinics collected information on children and/or vulnerable persons. One did not. For that center/clinic, the information was collected by the school district. Three centers/clinics collected "Protected Health Information (PHI)" as defined under the Health Insurance Portability and Accountability Act (HIPAA). One of the centers/clinics, in working with schools, did not collect the PHI on the child and/or vulnerable person, but the schools did collect that information. Two of the centers/clinics indicated collecting contact information on the child and/or vulnerable person.

Three of the six centers/clinics retained information for seven years or less, or longer, depending on the circumstances. For example, one center/clinic retained records for seven years or until the child reached 21 years of age. Another center/clinic retained information for a minimum of seven years for adults, and seven years past the age of majority for minors.

Plan or protocol in place for where a child and/or vulnerable person may have been harmed

Three of the six centers/clinics had a plan or protocol in place for an instance where a child and/or vulnerable person may have been harmed, with one providing an unclear response and two others indicating having no such plan or protocol. Again, because of the limited nature of the inventory, it is not clear whether the lack of a plan or protocol would indicate a lack of proper steps taken in the event of such harm.

Background checks

Three of the six centers/clinics conducted background checks on those who worked in the program, and three did not. While these figures may bear further exploration, it is worth noting that it is likely that the overwhelming majority of, if not all, of the individuals working in the centers/clinics are UNCG employees, and UNCG employees (hired since 2008) all undergo background checks prior to hire. In addition, if individuals providing services are required to carry licensure, background checks were likely conducted by the licensing agency.

Training provided to program workers regarding protection of children and/or vulnerable persons

Three of the six centers/clinics indicated that some training was provided. One center/clinic indicated that the school district with which the center/clinic worked provided the training. Two centers/clinics indicated that training was provided through UNCG training around HIPAA or through teaching on a code of ethics or a body of state law or was incorporated into coursework, individual supervision, group supervision, and clinic staffing. Two centers/clinics indicated that no training was given specifically targeted toward protection of children and/or vulnerable persons.

Overnight stay on campus or off campus and related practices

None of the six centers/clinics indicated an overnight stay.

Transportation of children and/or vulnerable persons on or off campus and related practices

Only one of the six centers/clinics indicated that it transported children by means of a car, van, or bus. This

center/clinic indicated that children were transported by a professional driver hired specifically for that purpose and that all children rode together on the same bus.

Accreditation and/or certification by non-UNCG organizations

Three of the six centers/clinics indicated that they were accredited and/or certified by an outside agency (one of which accredits clinical doctoral programs and master's degree programs, one of which accredits counseling programs, and one of which is a professional association).

Other bodies of authority

Above and beyond UNCG policies and clinic-specific practices, at least one clinic pointed to other bodies whose guidelines influenced their practice with individuals, including HIPAA, the American Psychological Association Code of Ethics (probably referring to the [Ethical Principles of Psychologists and Code of Conduct](#) of the American Psychological Association), and the [North Carolina Psychology Practice Act](#).

Employees in the community

This category of program differs from the prior two in that here, employees are off-campus, interacting with individuals, potentially under scenarios where there may be less supervision than might be the case on campus. As such, the information most salient in this scenario might center around situations where a child and/or vulnerable person is harmed, the review of new applicants and employees, and employee training, as opposed to focusing on items such as keeping records on the persons served by the program. The one-size-fits-all nature of the inventory limited its ability to capture the most salient information that might bear upon this particular category. It is worth noting that, in some instances, the UNCG employee in the community may not be responsible for the safety/well-being of the children and/or vulnerable persons being served; that responsibility may be assigned to another individual or agency.

Information collection and retention

Two of the five programs collected contact information on those who received their services. Two other programs collected more general information, such as age, gender, and race/ethnicity, with one of those programs acknowledging that such data was collected pursuant to a federal requirement and was collected through Guilford County Schools. One program indicated that some information was collected, but did not indicate what.

The two programs that collected contact information kept that information for at least three years, with one keeping children's contact information for at least five years and the other keeping contact information for three to five years. For the two programs that collected more general information (age, gender, race/ethnicity), one kept that general information for three to five years with generally no specific information ever being kept unless a medical urgency referral was made, and another keeping the information until the time of the annual report.

Plan or protocol in place for instance where a child and/or vulnerable person may have been harmed

Six of the seven programs where employees were in the community had a plan or protocol in place for an instance where a child and/or vulnerable person may have been harmed. The program that indicated having no such specific plan or protocol reported that where contact was targeted toward children, it was always when adult employees or parents/guardians were present.

Background checks

Six of the seven programs where employees were in the community indicated that background checks were conducted on those who worked in the program. These figures may bear further exploration, and as mentioned, all post-2008 hire UNCG employees, including those who work in the program that indicated no background checks, undergo a background check prior to hire. For the program that indicated no background check, it is possible that other agencies working with that program do in fact do a background check on their workers. The respondent

indicated that those working in the program generally had a teaching background, which might indicate teacher licensure or other venues through which a background check had already been conducted.

Training provided to program workers regarding protection of children and/or vulnerable persons

All five programs indicated that some training was provided to program workers. One training was required by the federal government. Another training was specifically focused on recognizing and reporting child abuse and neglect, as well as recognizing or dealing with any unsafe/dangerous situations observed in childcare or home settings. Other trainings were centered around human subjects and state law on elder or child abuse reporting.

Overnight stay on campus or off campus and related practices

None of the programs indicated having an on-campus overnight stay being involved, and one of the programs indicated having an off-campus overnight stay in which individuals stayed the night in retreat centers or camps.

Transportation of children and/or vulnerable persons on or off campus and related practices

Two of the five programs indicated transportation of children on or off campus by means of a car, van, or bus, with one indicating transportation of children by means of 15-passenger vans by drivers who completed UNCG high-occupancy vehicle training, passed a driver's license check, and who are UNCG staff members.

Accreditation and/or certification by non-UNCG organizations

Two of the five programs indicated possible accreditation and/or certification by an outside agency, with one indicating that such "certification" was by the federal government funder and was part of the yearly reapplication to the federal government for funding, and the other indicating that some of the retreat centers and camps where program participants stayed were certified by the American Camp Association.

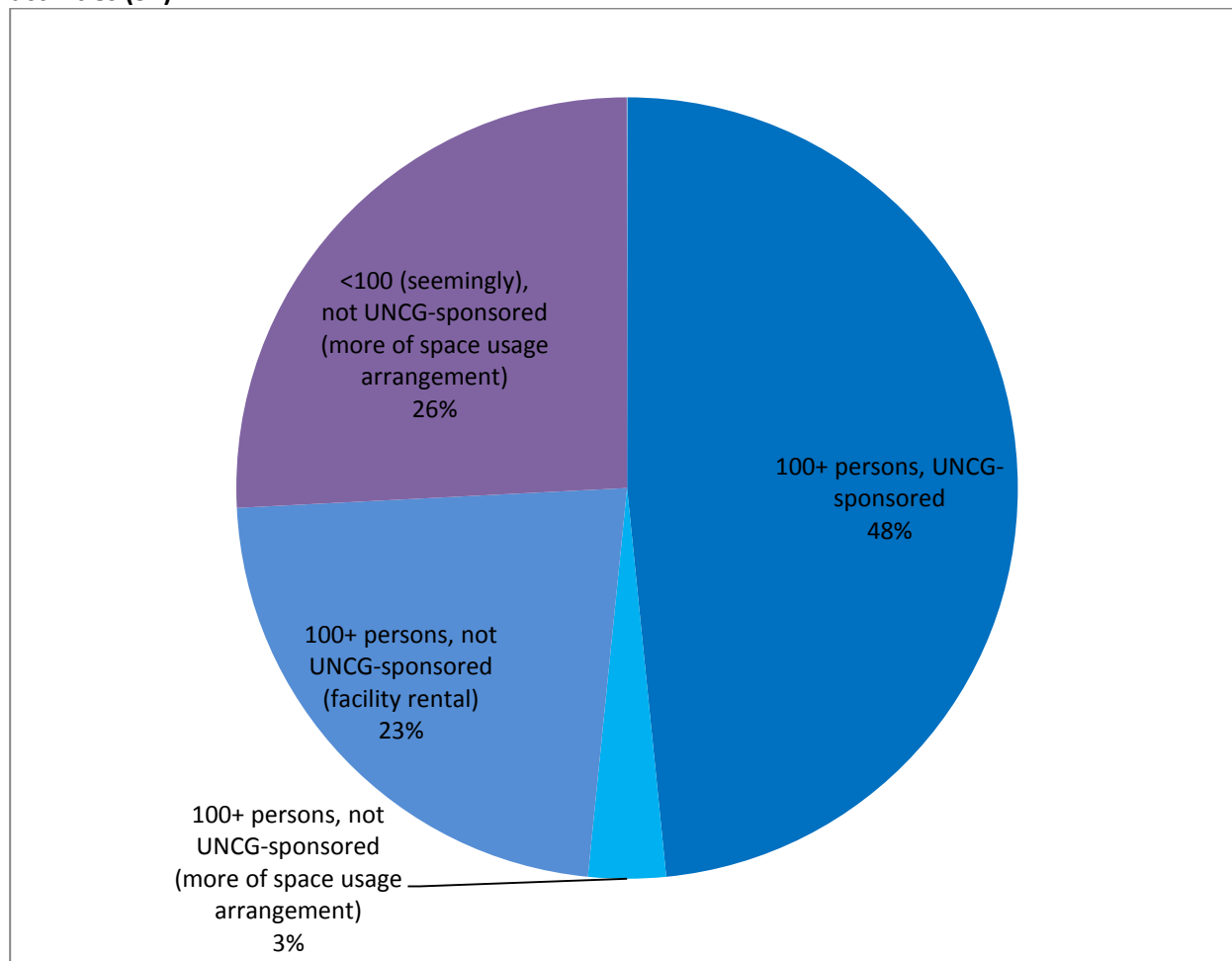
Other bodies of authority

Above and beyond UNCG policies that might apply, at least one program alluded (by indicating a required training, for example) to or directly pointed to other bodies of authority that informed their off-campus interactions with individuals, including training through the US Department of Agriculture Supplemental Nutrition Assistance Program (possibly required by a federal rule) and North Carolina's state reporting law on elder abuse (N.C. Gen. Stat. § 108A-102, Protection of the Abused, Neglected, or Exploited Disabled Adult Act) or child abuse (N.C. Gen. Stat. § 7B-301).

Hosting events and connected activities

These events and connected activities were divided along two dimensions: (a) Total number of people attending—100 or more versus less than 100 and (b) Level of UNCG involvement—UNCG-sponsored versus not UNCG-sponsored with "not-UNCG-sponsored" being subdivided into space-usage arrangement versus a facility rental. Figure 3 below presents the percentage breakdown of the 31 hosting events and connected activities.

Figure 3. Type of hosting event and connected activity as percentage of total hosting events and connected activities (31)



Information collection and retention

Seven of the 31 hosting events and connected activities indicated that they routinely collected some kind of information, with six collecting information from program participants and one collecting contact information from children’s schools, with the collected information focusing on the school itself, not the participant. One hosting event indicated that information might be voluntarily collected for the purpose of encouraging membership in a campus-related organization. Yet another hosting event collected information through a standard waiver form. Of the seven organizations that routinely collected information, two of them collected contact information on adult participants, with one of those hosting events collecting the name(s) of the parent’s children. Two of the seven organizations that routinely collected information only collected limited information, such as the name and grade of the child participant or name and school of the child participant. Five of the hosting events and connected activities that routinely collected information consisted of more than 100 persons gathered in roughly the same space and doing the same activity and were UNCG-sponsored.

Two of the 31 hosting events and connected activities indicated keeping information for one year; both of these consisted of 100 or more persons and were UNCG sponsored; another hosting event and connected activity indicated keeping information for seven years with another keeping it solely for the duration of a particular contest and another keeping it solely for the duration of an organizational membership.

Plan or protocol in place for instance where a child and/or vulnerable person may have been harmed

Four of the 31 hosting events and connected activities indicated that there was a plan or protocol in place for an instance where a child and/or vulnerable person may have been harmed; six did not respond to this question, and the remainder indicated that no such plan or protocol was in place. The four hosting events and connected activities that indicated that there was a plan or protocol in place all consisted of 100 or more persons and were UNCG sponsored. Of the ones that responded that there was no such plan or protocol in place, it is possible that the facilities where these events take place might have further plans or protocols of which the inventory recipient was unaware; it is also likely that authorities (such as campus police) or other first responders working the event have their own sets of practices. Additionally, seven of the 31 hosting events involve rental of a UNCG facility, and the renters of those facilities may have their own plans or protocols; also, facility use agreements and related documents may provide some guidance on who does what in an emergency.

Background checks

Two of the 31 hosting events and connected activities indicated that background checks were conducted on those who worked in the hosting events and connected activities. The two that indicated background checks were conducted consisted of 100 or more persons and were UNCG sponsored. Seven hosting events and connected activities did not respond to this question, and the remainder indicated that no background checks were conducted on those who worked in the hosting events or connected activities. As before, these figures may bear further exploration, and as mentioned, all post-2008 hire UNCG employees, including those in hosting events and connected activities that indicated no background checks, undergo a background check prior to hire.

Training provided to program workers regarding protection of children and/or vulnerable persons

Twelve of the 31 hosting events and connected activities indicated that no training on protection of children and/or vulnerable persons was provided. Nine of those 12 consisted of more than 100 persons and were UNCG-sponsored. Another hosting event and connected program indicated that to the best of their knowledge, none was provided. Still another indicated “none by UNCG.” One respondent stated that they assumed campus police, “the first contact each group has”, is trained in that kind of protection. Three of the 12 that indicated no specific training was provided indicated that children present for the hosting event or protected activity were always accompanied by their parents/guardians.

Overnight stay on campus or off campus and related practices

One of the 31 hosting events and connected activities involved an on-campus overnight stay (a hosting event consisting of 100 or more individuals and UNCG-sponsored); students typically (new students who will attend UNCG) stay in Jefferson Suites, and children under age 16 are not allowed to stay overnight. One hosting event indicated an off-campus overnight stay, which might be necessary for those participants who travel greater distances; individuals are responsible for securing their own accommodations, and sponsoring teachers might assist with those arrangements. UNCG played no role in that off-campus overnight stay other than providing a list of hotels, restaurants, and directions to campus.

Transportation of children and/or vulnerable persons on or off campus and related practices

Two of the 31 hosting events and connected activities involved transportation of children off campus, but that transportation was not handled by UNCG but rather by the schools that the children attended and participated with UNCG in the hosting event or connected activity.

Accreditation and/or certification by non-UNCG organizations

Ten of the 31 hosting events and connected activities indicated being accredited and/or certified by non-UNCG organizations. For eight of these 10 hosting events and connected activities, such an accreditation or certification seemed to be only from (a) those organizations that were using or renting space at UNCG or (b) were partnering with UNCG in the event. The intent behind this question was to find agencies that were “independent” from UNCG and whose accreditation might indicate further objective supervision of UNCG programs, and, through that supervision,

provide greater protection for children and/or vulnerable persons. Since eight of the 10 rented space from or partnered with UNCG and were therefore not “independent” from UNCG, the accreditation or certification may have little value added in terms of potential objective supervision and resulting increased protection for children and/or vulnerable persons. However, one of the hosting events and connected activities seemed to have accreditation or certification by organizations that were not using or renting space at UNCG and that were not partnering with UNCG in the event.

Research

Information collection and retention

As mentioned previously, research studies involving human subjects conducted at UNCG are subject to detailed oversight by the Institutional Review Board and must abide by an extensive set of regulations, policies, and protocols mandated by the institution, funding agencies, and the federal government. These systems are put in place to protect human research subjects from harm (physical or psychological), to ensure the ethical conduct of research (e.g., all participation in research studies should be voluntary and coercion of participants is not allowed), to protect the confidentiality of the participants, and to provide an objective assessment of the balance between the potential value of the research and the nature and amount of time, information, and commitment asked of the research participants. The nature of the questions used in the request for information for the inventory may not have triggered respondents to explain the many of these details that do provide protection to children and vulnerable populations in a research context. Research involving children is well-regulated, and the information provided below should be interpreted in this larger context.

All twelve of the research programs indicated that they collected information on children and/or vulnerable persons. Eleven of the 12 programs generally appeared to collect contact information, and one program only collected demographic data including gender and race. Two programs indicated that data were “de-identified” from the participant’s name and replaced with an identification number.

The length of time that information was kept by each program varied widely: One program keeps the information until the study is complete; another program keeps the information for three years after the end of the study and another for a total of three years, and still another for a period of three years following the end of participation in any instruction; another keeps the information at least seven years and another for the length of the study plus five years, and still another until the Institutional Review Board (IRB) application is closed. It should be noted that regulations concerning the length of time that data must be kept vary by funding agency and the nature of the data.

Plan or protocol in place for instance where a child and/or vulnerable person may have been harmed

Ten of the 12 research programs indicated that they had a plan or protocol in place, with two indicating having no such plan or protocol in place. However, given the typically close oversight of research by the Institutional Review Board (IRB) and the Office of Research Integrity, the lack of a plan or protocol may not pose a risk to children and/or vulnerable persons. In addition, such a contingency may be covered by some other plan or protocol not asked about in the inventory. Finally, grant funders often have their own security protocols that may further protect children and/or vulnerable persons.

Background checks

Three of the 12 research programs indicated that workers in the program went through background checks, with the remainder indicating no such background checks were performed. As mentioned, all post-2008 hire UNCG employees undergo a background check prior to hire, and many, if not most, of those working in these research programs are likely to be UNCG employees. Also, Institutional Review Board (IRB) and Office of Research Integrity oversight as well as grant funder protections may also further protect children and/or vulnerable persons from harm.

Training provided to program workers regarding protection of children and/or vulnerable persons

All 12 of the research programs indicated that some training was provided to program workers. Four of the 12 programs specifically mentioned Collaborative Institutional Training Initiative (CITI) training on human subjects or CITI ethics training. Other training components mentioned included training in human subjects as approved by an Institutional Review Board (IRB) committee and an online test used by the IRB that ensured that workers understood the ethical requirements of the research. One program also mentioned training on Health Insurance Portability and Accountability Act (HIPAA) requirements and state law regarding reporting any abuse or suspected abuse or neglect, possibly referring to North Carolina's state reporting law on elder abuse (N.C. Gen. Stat. § 108A-102, Protection of the Abused, Neglected, or Exploited Disabled Adult Act) or child abuse (N.C. Gen. Stat. § 7B-301).

Overnight stay on campus or off campus and related practices and transportation of children and/or vulnerable persons

None of the 12 research programs involved an on-campus overnight stay or an off-campus overnight stay. In addition, none of the research programs transported children and/or vulnerable persons.

Accreditation and/or certification by non-UNCG organizations

Only one of the 12 research programs indicated being accredited or certified by a non-UNCG organization. The one research program that indicated being accredited or certified explained that school districts involved in the program review and approve the curriculum and protocols for data collection. It would be unusual for research studies to be associated with any particular accreditation or certification outside of any certifications the faculty members conducting the research may carry.

Other bodies of authority

Above and beyond relevant UNCG policies (including Institutional Review Board and Office of Research Integrity policies), at least one program alluded (by indicating a required training for example) to or directly pointed to other bodies of authority that informed research, including the Health Insurance Portability and Accountability Act (HIPAA) and North Carolina's state reporting law on elder abuse (N.C. Gen. Stat. § 108A-102, Protection of the Abused, Neglected, or Exploited Disabled Adult Act) or child abuse (N.C. Gen. Stat. § 7B-301).

Student placements

Information collection and retention

Eight of the 14 programs indicated either "not applicable," that no information was collected, that no personal information was collected, or that no data were collected on children. One program explained that phone numbers and addresses were obtained so that transportation locations could be identified, emergency contacts informed, and program updates communicated to parents. Two other programs explained that any information collected was done in conjunction with students' agency work and that the department that placed the students did not have access to that information.

One of the 14 programs indicated that information was kept for as long as the children participated in the program. At least one other indicated that records were kept for as long as mandated by the policies and procedures of the agency for which the student worked.

Plan or protocol in place for instance where a child and/or vulnerable person may have been harmed

Three of the 14 agencies indicated that there was a plan or protocol in place; also because these placements involve UNCG students working for non-UNCG agencies, the agencies themselves may have such plans or protocols.

Background checks

Eight of the 14 programs indicated that background checks were conducted on those who worked in the programs. Four indicated that background checks were not conducted on those who worked in the programs; one did not

respond to the question, and one of the programs in this category did not submit an inventory. These numbers may bear further exploration, but as explained, UNCG employees do not appear to directly interface with children and/or vulnerable persons in these programs. As a result, UNCG background checks might not be as critical here as they are in other areas.

Training provided to program workers regarding protection of children and/or vulnerable persons

Six of the 14 programs indicated that any training that was provided would be done through the agency in which students are placed. Five of the 14 programs seemed to indicate that students received training in their classroom courses on how to deal with children. One program outlines professional behaviors and expectations for its students in a student handbook.

Overnight stay on campus or off campus and related practices

None of the 14 programs indicated an on-campus overnight stay, and three programs indicated an off-campus overnight stay. One of the three programs indicating an off-campus overnight stay said that such a stay was possible and could include student interns staying overnight to support agency staff for an overnight activity like a college tour or a teen lock-in at a high school.

Transportation of children and/or vulnerable persons on or off campus and related practices

Four of the 14 programs indicated that it was possible that a student intern might transport children and/or vulnerable persons, with one program indicating that van transportation of children to and from various community centers was provided, that Guilford County Schools had in the past provided transportation for children to and from their school and home sites, and that on occasion, private car transportation had been used. Another program indicated that if student interns did transport children and/or vulnerable persons, they would not be allowed to operate agency vans or buses without appropriate training and licenses.

Accreditation or certification by non-UNCG organizations

Ten of the 14 programs indicated that they were accredited and/or certified by an outside agency. It is not clear if accreditation was in any part based upon a review of practices around the protection of children and/or vulnerable persons. Accrediting agencies included: Accreditation Council for Education in Nutrition and Dietetics (ACEND) of the Academy of Nutrition and Dietetics, Council on the Education of Public Health (CEPH), The National League for Nursing Accreditation Commission (NLNAC), the Commission on Collegiate Nursing Education (CCNE), and The Council on Social Work Education.

Other bodies of authority

Above and beyond UNCG policies that might apply, programs specifically mentioned various bodies of authority that might guide the actions of their student interns: the National Athletic Trainers' Association Code of Ethics and The Board of Certification Standards of Practice, and the *American College of Sports Medicine Guidelines for Exercise Testing and Prescription 8th Ed.*

Conclusion

A complete in-depth description of the work done by all the programs reported on here is beyond the scope of this report. However, the information provided here does provide a means by which programs can learn what others are doing across campus and thereby helps to build a holistic framework for cross-unit conversations that equip, inform, and catalyze innovation and collaboration around protective practices.

4b. TRAINING

Primary author: Edna Chun

Requirements

The task force determined that the best format for child protection training was via e-learning, since this medium provides instruction in a standard, cost-effective format and can be disseminated widely among faculty, staff, and student audiences. E-learning also provides capability for obtaining an online certification and a record for the University that the training has been completed. The e-learning format would also provide the opportunity for incorporating quizzes as well as UNCG- specific materials as a supplement.

The content of the training would include definitions of different forms of abuse (e.g., physical abuse, hazing, bullying, touching; psychological abuse; etc.). It would include actions to take in terms of investigations, as well as due process protections for the accused. The training would include applicable laws regarding abuse of minors. It would also discuss cultural components and particular risk situations. The committee discussed specific technical concerns, and suggested that kiosks on campus be available for those without computer access.

Review of E-learning Alternatives

Relatively few resources and best practice programs at colleges and universities were identified in this new topic area. The training committee considered e-learning modules from Workplace Answers on Child Abuse Awareness and prevention. The committee's consensus was that this module was highly effective and specifically applicable to the higher education environment. The Steering Committee also reviewed this product.

Workplace Answers provides a certificate to each individual who completes the training and tracks those completing the training in a database. Users have the ability to return to the training if they have not completed it in a single session. Reports provided by the Workplace Answers system are available for download or export in a csv format. A back-end interface to Banner can be accomplished through custom Data Exchange routines. Clients can also pull their own completion data in csv format and import into their systems at no charge. Workplace Answers does permit limited customization.

To explore in-house options, a list of requirements was developed and presented to Continual Learning as follows:

- Length
 - No more than 30 minutes with periodic save points
- Statistics/Reports
 - List of enrollees and ability to sort and filter by:
 - Completion status
 - Length of time to complete course
 - Date Completed
 - Ability to export this data
- Content Updates
 - Updates will be required when there is policy or personnel change as listed in content.
- Hosting
 - DCL hosting of content and database
 - Enrollees to be imported from Banner
- Testing/Certification
 - 10 questions to be asked at various points throughout course.
 - Questions will not prevent continuation/certification of completion.
 - Incorrect questions will be followed by an explanation of the correct answer.

- Admin Requirements
 - Access to Stats/reports
 - User troubleshooting access
 - Administrators TBD
- Multimedia
 - Introductory video, no more than 1 min in length
 - Development of graphical assets including
 - consistent color and design
 - photography (could be stock or custom)
 - animation of assets (fades, movement, etc...)
 - narration (captioning/transcription)

Several other resources were provided to the training sub-committee:

- The Catholic Church provides a web-based platform called VIRTUS Online™, with an emphasis on managing risk and preventing wrong-doing (<https://www.virtusonline.org/virtus/>). Its religious emphasis would not be suitable for this environment, but the materials might provide ideas and information in constructing a training module.
- The Center for Disease Control has a policy guidance manual entitled *Preventing Child Sexual Abuse within Youth-serving Organizations: Getting Started on Policies and Procedures* (<http://www.cdc.gov/violenceprevention/pub/PreventingChildAbuse.html>). While an excellent resource, its focus is on policy development and would serve as tools for UNCG to create its own training module.
- *Prevent Child Abuse North Carolina*, the only statewide nonprofit organization dedicated to preventing child abuse and neglect, has a two-hour e-learning training module that covers child abuse entitled “Recognizing and Responding to Suspicions of Child Maltreatment” that is free. (<http://www.preventchildabusenc.org/index.cfm?fuseaction=cms.page&id=1047>). This lengthy training appears more focused on professionals in child and family-serving organizations and would be a rich resource for the development of in-house training.

4c. BEST PRACTICES TO PROTECT CHILDREN (FOR ALL PROGRAMS & FOR TYPES OF PROGRAMS)

Primary author: Julia Jackson-Newsom

Program-Level Best Practices

- *Best practices for the protection of children should be widely disseminated to those involved in programming for children and the University should establish minimum standards, keeping in mind that a one-size-fits-all model is not feasible or effective.* It is important to recognize, however, that the feasibility, relevance, and appropriateness of specific best practices is dependent on the particular characteristics and circumstances of the program in question.
- *However, having a group that includes a variety of stakeholders and that is given access to the Chancellor is recommended best practice for university settings.* This group may be charged with annually reviewing and updating the inventory of programs involving children on campus. This group can also monitor training efforts and keep the institution up-to-date on emerging best practices and/or changes in law or policy that impact the handling of these issues.

The following two recommendations are widespread, and were included in the original charge to the task force. More detail on both is included elsewhere in this report.

- *Organizations should be aware of the scope of activities involving their facilities and/or individuals representing the organization.* Having an inventory of programs involving children is essential for the institution to be able to provide appropriate support, monitoring, and information related to changes in policy or procedure, following through on reported problems, and ensuring that all involved are informed about best practices.
- *An important best practice is mandatory training for employees, students, and volunteers involved in programming for children.* This does not necessarily mean that all involved have to take part in the same training, as many programs have existing training standards they adhere to. It is important, though, to establish a list of standard material that should be included in all training.

There are many resources for identifying best practices for safeguarding the health and well-being of children and other vulnerable populations. Some of these resources speak generally to any activity involving children, while others are designed for programs or activities defined by specific characteristics. A comprehensive review of best practices is beyond the scope of this report, but key resources and practices are discussed here.

General Resources and Recommendations

Resources

The Center for Disease Control guidelines noted above address six key areas:

1. Screening and selecting employees and volunteers
2. Interactions between individuals
3. Monitoring behavior
4. Ensuring safe environments
5. Responding to inappropriate behavior, breaches in policy, and allegations and suspicions of child sexual abuse
6. Training in child sexual abuse prevention

Recommended Best Practices

The practices below are commonly recommended across resources and organizations that address the protection of children from harm. While they generally apply to any situation involving children, the strategies most likely to be effective for protecting children will be based on what is feasible and appropriate given the particular structure and activities of any given program.

- Conducting background checks on all individuals who will have contact with children/members of vulnerable populations
- Structuring supervision such that one-to-one contact between a child and an employee/volunteer is avoided (or minimized)
- Conducting active discussions with program employees and volunteers about the nature of appropriate and inappropriate behavior with children, including conversations about joking, sharing of secrets, or other practices that may be misinterpreted or used to manipulate
- Establishing clear policies that prohibit physical punishment of any kind

- Prohibiting employees from establishing social relationships with child participants outside of the context of the program/activity (e.g., employees should not engage in communication with child participants via social media unless officially sanctioned as part of a program and structured so that monitoring can take place)
- Establishing a clear procedure for suspected abuse of children to be reported via both internal (within program) and external (within the University) mechanisms
- Educating program employees/volunteers about the legal, ethical, and moral obligations they should adhere to, related to the protection of children and vulnerable populations

Program Specific Resources and Recommendations

Some categories of programs have programmatic elements that present distinct issues related to the protection of children. A sampling of specific resources that address category-specific issues is presented below.

Camps

- The American Camp Association(<http://www.acacamps.org/accreditation>) provides accreditation based on a comprehensive list of standards that cover a wide range of criteria, including health and wellness, transportation, risk management, emergency procedures, personnel hiring, promoting safety in overnight stays, staff training, and equipment and facilities (see for a summary of standards <http://www.acacamps.org/sites/default/files/images/accreditation/2012StandardsataGlanceDraft.pdf>). The ACA standards provide good guidance about factors that should be considered to establish a safe environment for children even if a particular camp is not seeking accreditation. This may be particularly helpful for camps that involve overnight stays for children, which are unique to this category of programming.

Centers/Clinics

- Resources and recommended best practices likely depend on the nature of the services provided by specific centers or clinics, but they include guidance from discipline-related professional associations (e.g., the American Psychological Association), licensure boards (e.g., the North Carolina Psychology Board), and discipline-based mandatory reporting requirements (as set forth by both state law and discipline guidelines).

Research

- Extensive oversight of research involving children is provided by the UNCG Institutional Review Board (IRB) and the Office of Research Integrity. All research projects involving human subjects must be reviewed by the IRB, with research defined by federal regulations as being “a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.” IRB oversight of research is governed by the federal Common Rule (45 CFR 46) and additional policies and procedures regulated by the Office of Human Research Protection, a division of the US Department of Health and Human Services. The Common Rule contains several sections specific to the inclusion of children and other vulnerable populations in research (for more information see <http://www.hhs.gov/ohrp/policy/populations/children.html>, http://www.hhs.gov/ohrp/policy/populations/guidance_407process.html, <http://answers.hhs.gov/ohrp/categories/1570>).

5. LEGAL ENVIRONMENT AND OBLIGATIONS

Primary author: Steve Serck

Following is a summary of applicable case law, existing University policies, and mandatory reporting laws relating to protection of children and other sensitive populations.

Case Law re Minors on Campus

For purposes of analyzing university liability risk associated with minors on campus, the primary issue will typically be whether the institution owes a duty of care to the minor on campus, and, if so, what is the applicable standard of care. While the doctrine of *in loco parentis* has been abandoned by the courts with regard to students who are over the age of majority, the courts generally impose a higher standard upon a university to protect minors on campus or otherwise engaged in university-sponsored activities.

A variety of lawsuits have been brought against colleges and universities in connection with injuries to minors involved in campus activities. Some examples are as follows:

In Dismuke v. Quaynor, 637 So.2d 555 (La. App. 1994), *rev. denied*, 639 So.2d 1164 (La. 1994), Grambling State University (GSU) was held liable for the assault of a 15 year old female by a Grambling student. The 15 year old was enrolled in a summer day camp sponsored by GSU and held on its campus. Alexander Quaynor and other GSU students were hired to maintain constant supervision of the children enrolled in the camp. The 15 year old was dismissed early from a session of the camp because of bad weather. Quaynor used this opportunity to rape her in a room of GSU student union building,.

In McMahan v. Crutchfield, 1997 WL 16338 (Wash. App. Div. 2 1997), a five year old child was on campus with her mother, eating in the college's dining facility. The child went alone to a restroom where she was raped by a 21 year old Community Based Transition Program participant. The court held that the college breached its duty to exercise reasonable care in controlling, monitoring, and supervising the Community Based Transition Program it allowed to operate on its campus, and it could be held liable for the attack on the child.

In Graham v. Montana State University, 235 Mont. 284, 767 P.2d 301 (Mont. 1988), a sixteen year old high school student was living on campus during a summer camp program. She received permission from the supervisor in the residence hall to visit a friend who lived off-campus. During that visit, the plaintiff drank alcohol, then accepted a ride on a motorcycle. An accident occurred and she was seriously injured. The court held that when the University undertook to have a high school student live on campus and to supervise the student during the program, the University took on a custodial role, similar to that of a high school. When this custodial relationship was established, the University owed the plaintiff a duty to exercise reasonable care when supervising the students.

In National Sports & Spirit, Inc. v. University of North Texas, (Tex.App.-Fort Worth 2003) a participant in a drill team camp sued the university and sponsoring organization after becoming ill from food poisoning.

Existing University Policies Related to Protection of Minors and/or Other Sensitive Populations

Currently, there are no known UNCG policies that are devoted solely to setting standards designed to protect minors or other sensitive populations on campus. Some policies touch on the subject, as described below:

A. The Volunteer Policy

The University *Volunteer Policy and Procedures* generally sets forth the conditions under which volunteers are to be selected, trained and deployed on behalf of the University. See <http://policy.uncg.edu/volunteer/>.

The Policy requires a criminal background check for all volunteers who “will be working with sensitive populations.” The term “sensitive populations” is defined as “individuals under 18 years of age, patients receiving care in any clinical setting, and other individuals entitled to enhanced supervision or protection based on University practice or State or Federal law.”

B. The Employee Background Check Policy

This Policy requires that all employees hired after January 1, 2008 successfully undergo a criminal background check as a condition of employment. See http://web.uncg.edu/hrs/recruitment/background_check/procedures/.

There is no requirement that employees hired *before* January 1, 2008 undergo a background check. In addition, it is left to the discretion of the hiring department whether student employees should undergo a background check or not. It is unknown how many student employees undergo background checks.

C. The Clery Act Crime Reporting Policy

The University has adopted policies implementing the provisions of the Clery Act that require certain employees, known as “campus security authorities,” to report certain crimes to the Police. See [2012 ANNUAL SECURITY & FIRE SAFETY REPORT](#) at pages 4-5.

As described in more detail below, the Clery Act, and the corresponding University policy, do not require *all* employees to report *all* crimes, whether perpetrated against minors or others.

State and Federal Crime Reporting Requirements

Existing Federal and State laws, and certain corresponding University policies, place limited crime reporting requirements upon UNCG and its employees.

A. State Law Makes Everyone a “Mandatory Reporter” of Child Abuse Committed by Certain Persons

Pursuant to N.C. General Statutes, § 7B-301, all persons and institutions (including UNCG) possessing “cause to suspect that any juvenile [person under the age of 18] is abused [at the hands of a parent, guardian, custodian, or caretaker], [is] neglected, or dependent . . . or has died as the result of maltreatment, shall report the case of that juvenile to the director of the department of social services in the county where the juvenile resides or is found. . .” Currently, there is no University policy corresponding to this statute, although the obligations of the statute apply independent of any such policy.

While this statute makes every University employee a “mandatory reporter” of child abuse, the courts have recognized that it does not apply unless the abuse is committed by a “parent, guardian, custodian, or caretaker.” For example, in a 2008 case, a Federal court held that the statute imposed no duty to report child abuse at the hands of a *teacher* because the teacher did not constitute a “parent, guardian, custodian, or caretaker.” OSTWALT, vs. CHARLOTTE-MECKLENBURG BOARD OF EDUCATION, 614 F. Supp. 2d 603, 607-08 (W.D.N.C. 2008).

The implications of this “gap” in the mandatory reporting law for UNCG are considerable, given the fact that our employees and students will seldom fit the definition of “parent, guardian, custodian, or caretaker.” For example, state law technically does not require UNCG or any of its employees to report child abuse

committed by one of our students or faculty members, unless that person also serves the additional role of “parent, guardian, custodian, or caretaker” *vis a vis* the child.

B. State Law Makes Everyone a “Mandatory Reporter” of Abuse of a Disabled Adult Committed by Certain Persons

Pursuant to N.C. General Statute § 108A-102, “Any person having reasonable cause to believe that a [mentally or physically] disabled adult is in need of protective services [i.e., abused or neglected] shall report such information to the director [of county social services]. . .

Unfortunately, this statute requires reporting only when the disabled adult is abused by a “caretaker.” Thus, state law would not require UNCG or any of its employees to report abuse of disabled persons committed by one of our students or faculty members, unless that person also serves the additional role of “caretaker” *vis a vis* the disabled person.

C. Federal Law (the Clery Act) Makes Certain Campus Officials “Mandatory Reporters” of Certain Crimes Occurring on or Near Campus

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092 (f) is a federal law that requires colleges and universities to disclose annual information about campus crime. Each year the University files a public report with the United States Department of Education stating the incidences of certain crimes on campus that have been reported to Police by “campus security authorities” and others.

Included within the crimes that must be reported are murder, manslaughter, sexual offenses, robbery, and aggravated assault. The University has a policy that implements the Clery Act. Any reported offenses against minors would be contained within UNCG’s annual report.

Importantly, however, only “campus security authorities” are *required* to report these crimes to the Police. The federal regulations implementing the Clery Act define a “campus security authority” as follows:

1. A campus police department or a campus security department of an institution,
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property,
3. Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses, or
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official meets the definition of a pastoral or professional counselor as defined by the final rules, the official is not considered a campus security authority when acting in his or her capacity as a counselor.

Examples of individuals identified by the United States Department of Education as meeting the definition of “campus security authority” include the following:

- A dean of students who oversees housing, a student center, or extracurricular activities;
- A director of athletics or team coach; and
- A faculty advisor to a student group.

The following individuals were identified by the Department of Education as unlikely to fit within the definition of “campus security authority”:

- A faculty member who teaches classes (except when serving as an advisor to a student group)
- A physician in a campus health center
- A counselor in a counseling center
- Clerical staff

Thus, the Clery Act, like the state “mandatory reporting” laws, suffers from “gaps” in reporting requirements that make it less effective in protecting minors and other sensitive populations than it otherwise might be. For example, as indicated above, a typical faculty member or clerical employee would have no duty to report an aggravated assault or sexual abuse of a minor on campus.

Employees Who in Good Faith Report Crimes Against Minors and Disabled Adults are Protected by Legal Immunity and Corresponding University Policy Protecting “Whistle Blowers”

The common law of North Carolina provides a state employee and the University with immunity from liability where the employee makes a good faith report to a supervisor or the authorities of wrongdoing against a co-employee. The reporting employee is not protected by this privilege, however, if the report was false and made in bad faith or with malice. PRESNELL v. PELL, 298 N.C. 715; 260 S.E.2d 611 (1979).

Likewise, N.C. General Statutes § 126-84 and § 126-85 protect employees from retaliation when they report wrongdoing by co-employees, “unless the State employee knows or has reason to believe that the report is inaccurate.” This immunity would include reports of unlawful abuse of children.

UNCG has a “Whistle Blower” policy that implements this statute and encourages employees to report crimes. UNCG’s Policy provides in part as follows:

It is the policy of UNCG that all University employees are encouraged to report either orally or in writing to their immediate supervisor, or alternate line of authority as hereinafter described, all evidence of activity by a University department or employee that may constitute:

1. A violation of State or Federal law, rule, or regulation;
2. Fraud;
3. Misappropriation of State resources; or
4. Substantial and specific danger to the employee's or public's health and safety.

Any University employee who reports such incidents as described above shall be protected from threats of retaliation, discharge, or other types of discrimination including but not limited to compensation or terms and conditions of employment that are directly related to the disclosure of such reports. In addition, no University employee may be adversely affected as heretofore described because the employee refused to carry out a directive which, in fact, constitutes a violation of State or federal law, rule, regulation, or poses a substantial specific danger to the employee or the public health and safety. These protections shall include employees who report any heretofore described activities to the State Auditor through the established state-wide "hotline".

See http://web.uncg.edu/hrs/PolicyManuals/StaffManual/Section13/Whistle_Blower/.

Other Universities have Promulgated Policies that Set Forth Standards Designed to Protect Minors and Other Sensitive Populations Participating in University-Sponsored Activities

As discussed above, the University does not currently have an overarching policy designed to protect minors or other sensitive populations participating in UNCG programs.

As also noted above, neither the State “mandatory reporter” laws, nor the Federal laws, require all University employees to report all suspected instances of abuse of minors or disabled adults in all circumstances. Every law has a “gap” that could allow the non-reporting of serious or deadly crimes against such minors or disabled adults committed by UNCG employees or students.

In addition, neither University Policy nor applicable laws require that student employees (or non-student employees hired before January 1, 2008) undergo a background check, even if they may be working with minors or other sensitive populations.

Other universities, including the University of North Carolina at Wilmington, have implemented policies designed to protect minors and other sensitive populations, and fill the “gaps” in existing policy and law. With regard to mandatory reporting of suspected abuse, UNCW’s current draft policy provides in relevant part as follows:

B. Reporting Suspected Abuse or Molestation

1. A Minor and/or his or her parents or guardians or anyone external to the University who has information about the abuse of a minor which occurred on University property or which involved a University employee or student during the course of a University connected activity off-campus, is urged to report the suspected abuse to the University Title IX Coordinator or the University Police. Individuals who wish to remain anonymous may also report suspected abuse or molestation anonymously.
2. University employees, volunteers, or students who receive such reports should proceed as outlined in subsections a, b and c below:
 - a. A University employee or volunteer who has information that a minor has been abused on our campus, on property owned or leased by the University, or while members of the faculty, staff or student body are participating in a University connected activity off campus or who has received a report of such alleged abuse **must** report this information within 24 hours to the University Police (or local law enforcement) or the UNCW Title IX Coordinator. The program’s supervisor, the University Police, and the Title IX Coordinator shall ensure the Office of General Counsel is notified immediately of the complaint. Any individual who witnesses a crime must report the incident to the University Police or local law enforcement.
 - b. A University student who has information that a minor has been abused on our campus, on property owned or leased by the University, or while participating in a university program off-campus, **must** report this information within 24 hours to the UNCW Title IX Coordinator or University Police (or local law enforcement).
 - c. In all situations, regardless of the office to which a report is made, those receiving a report of suspected abuse must also immediately report the allegation(s) to the Campus Police and the Office of General Counsel.

Likewise, the Draft UNCW Policy makes background checks a requirement as follows:

B. Background checks

A successful background check will be required of each volunteer or employee prior to his or her direct participation with Minors in a program or activity covered by this Policy and at least once every three (3) years thereafter.

Other schools have implemented similar campus policies, including Penn State:

<http://guru.psu.edu/policies/ad39.html>, and Indiana: <http://policies.iu.edu/policies/categories/administration-operations/public-safety-institutional-assurance/PS-01.shtml>

6. RECOMMENDATIONS

The Task Force on Children at UNCG has been impressed to see that the scope of UNCG's involvement in programs and activities serving children and other vulnerable persons is even wider than many of us anticipated. We also have been impressed, again, with the care and expertise with which many of our colleagues develop and manage these programs and activities. None of our recommendations below should be taken as a negative reflection upon the high quality and careful safeguards that we found in many programs. However, since it is always possible to make good programs better, and to minimize risks further, we recommend to Chancellor Brady that the following actions be taken.

1. We recommend that the Chancellor issue **a public statement of UNCG's commitment to the safety and well-being** of children and other vulnerable persons participating in University programs and activities, and encourage other University leaders with responsibilities in these areas to do the same. As evidence of this commitment, she could refer to this report and the additional action steps recommended below.
2. UNCG should **develop and adopt a University policy** describing how University-sponsored programs and activities serving children and other vulnerable persons should be operated, including best practices. Current Federal and State laws contain gaps such that, in many situations, there are no legal requirements that suspected abuse be reported. Thus, the UNCG policy should expand to all University employees and students the duty to report suspected abuse of children and other vulnerable persons in connection with University-sponsored programs and activities. Like other University policies, this new policy should provide that failure to follow its requirements could result in disciplinary action including, but not limited to, termination (employees) and sanctions under the Student Code of Conduct (students). It should be emphasized that everyone in every "chain of command" has the responsibility to see that proper standards are followed and that any complaints are reported up the chain to be handled appropriately. This policy also should emphasize the protections for "whistleblowers" already existing in law and University policy. Every program should have a clear and documented plan for handling situations where any harm occurs or is suspected to have occurred to children or vulnerable populations (including injury as well as abuse).
3. Existing University policy requires that volunteers who will be working with children or other vulnerable persons undergo a background check. UNCG should additionally require that all faculty, staff, and student employees who will be working with such populations in connection with UNCG programs and activities **undergo a background check** at the beginning of their involvement, if they have not previously been the subject of a University background check. Best practices should be examined to determine when a previous

background check should be considered “stale” and thereafter repeated.

4. UNCG should utilize existing training materials and/or develop UNCG training materials, to see that all faculty, staff, and students who have regular involvement in University programs and activities serving children and other vulnerable persons have up-to-date training. We recommend that such individuals be required to successfully complete **on-line or in-person training** on a frequency to be determined. Training should cover the topics noted in section 4b (pages 21-22). The task force training committee reviewed on-line training materials from Workplace Answers and negotiated a price for 2,500-3,000 users and a two-year time period. The task force recommends that, if funding can be identified, UNCG subscribe to Workplace Answers for two years, while continuing consideration of in-house training. Whether training might later be expanded to other faculty/staff/students could be considered by the committee under recommendation 5.
5. We realize that both the programs offered by UNCG and best practices for programs will change over time. For example, if Intercollegiate Athletics camps are privatized, this would present new issues, though they likely would remain so closely associated with UNCG that they would continue to be covered by University policies. With such considerations in mind, we recommend that the Chancellor name **a standing committee of faculty and staff experts** (including several members who operate camps and related activities, faculty and staff with expertise in working with children, risk management, human resources, athletics, and legal) to meet as needed to share best practices, make recommendations for updates to University policy as necessary, and act as an advisor in this area to the Chancellor, senior officers, and program administrators. This committee could be patterned after the existing HIPAA Group, which owes much of its success to the sharing of ideas and best practices across boundaries that previously slowed such exchange. To keep the inventory of UNCG programs and activities current, we recommend that the Chancellor give an individual (perhaps the Chief Risk Officer) and this committee the responsibility of updating this report’s inventory every year, adding or changing lists of programs, activities, and program administrators.
6. The inventory lists the administrators (person in charge) for programs and activities serving children and other vulnerable persons. We recommend that all senior officers be provided (by the individual or committee in recommendation 5) the **lists of such administrators** in their areas each year, as a reminder of their responsibilities for oversight of those programs, including safety of participants and adherence to applicable University policies. This also should involve any new programs and activities.