



Fairmont State University Board of Governors
Policy #GA-02
Effective Date: 12/05/2019

TITLE: CHILDREN ON CAMPUS

SECTION 1. GENERAL

- 1.1 **Scope:** Fairmont State University is committed to the protection of minor children on University property or involved in University sponsored programs at all campus locations by providing reporting requirement guidance for Child Abuse and Neglect; guidelines for supervising minor children on campus; and assurance that Fairmont State University is in compliance with all federal, state, and local laws regarding minor children.
- 1.2 **Responsible Unit:** Office of the President
- 1.3 **“Child on Campus” or “Children on Campus”** is defined as an individual(s) under the age of eighteen (18) years who is participating in or attending a University event on University grounds. This does not include a child or children at events open to the public where parents or guardians are welcome and expected to provide the child or children with supervision. This policy also does not include Fairmont State University enrolled students who are under the age of eighteen (18).
- 1.4 **Filing Date:**
- 1.5 **Effective Date:**

SECTION 2. POLICY

- 2.1 It is the policy of Fairmont State University to promote the health, wellness, safety and security of all children who are entrusted to the care of the University. All programs and events that involve children fall within the scope of this policy.

SECTION 3. MANDATORY REPORTING

- 3.1 **Mandatory Reporters** are designated by West Virginia State Law and are individuals required by West Virginia State Law to report any type of Child Abuse or Neglect including physical and sexual abuse. Reporting obligations can be found within WV State Code §§ 49-2-801 to -814.



- 3.1.1 In cases involving a Mandatory Reporter, reports of Child Abuse or Neglect should be immediately reported to each of the following:
 - 3.1.1.1 West Virginia Department of Health and Human Resources Central Intake twenty four hours a day, seven days a week hotline (1-800-352-6513).
 - 3.1.1.2 West Virginia State Police Crimes Against Children (304-293-6400).
 - 3.1.1.3 Fairmont State University Campus Police (304-367-4357).
 - 3.1.1.4 If the Mandatory Reporter is a member of the Fairmont State University campus community, also contact the Title IX Coordinator (304-367-4689).
- 3.2 Upon receiving a report, the Title IX Coordinator shall take immediate action in order to protect children present on the University campus or participating in University sponsored programs.
- 3.3 The University's reporting requirements within this Rule do not supersede the requirements placed on individuals by law. West Virginia's mandatory reporting obligations are currently contained in W.Va. Code §§ 49-2-801 to -814, which can be found at: www.legis.state.wv.us/WVCODE/Code.cfm.
- 3.4 Under WV Law, an individual that reports an incident of Child Abuse or Neglect in good faith is immune from civil or criminal liability.

SECTION 4. UNIVERSITY SPONSORED PROGRAMS OR PROGRAMS ON FAIRMONT STATE UNIVERSITY PROPERTY INVOLVING MINOR CHILDREN

- 4.1 Fairmont State University personnel shall notify the University's Title IX Coordinator when any University sponsored program, whether on or off campus, will involve children participating or children on University property. Notification to the Title IX Coordinator shall take place within 30 days of the date of the event start date.
 - 4.1.1 Upon notification of programs involving children, the Title IX Coordinator will develop, in conjunction with the specific Department or area, individualized appropriate guidelines, trainings, and protocols to ensure appropriate supervision of children. These individualized guidelines may be changed if necessary and will have a required expiration date.



4.1.2 Individualized guidelines and protocols may vary from Department to Department or across other campus areas. Guidelines and protocols shall be reviewed at least every three years by the Title IX Coordinator.

4.2 The Title IX Coordinator will

4.2.1 Inform all adults participating in University sponsored programs who have contact with children on campus about this policy and West Virginia State Law.

4.2.2 Require all adults who have direct contact (such as care, supervision, guidance or control of) with children on campus to complete a background check that must be completed and evaluated prior to program or event. Background checks must be completed at a minimum of every three (3) years.

4.2.3 Training for those who have direct contact (such as care, supervision, guidance or control of) with children on campus must be completed annually.

SECTION 5. EMPLOYMENT OF CHILDREN BY THE UNIVERSITY

5.1 Employment with the University is available to any qualified person who has reached eighteen (18) years of age. Employment of any person who is under eighteen (18) years of age is prohibited.

SECTION 6. DISCIPLINARY ACTION

6.1 University employees or volunteers who fail to abide by the provisions in this policy may be subject to disciplinary action including verbal warning, written warning, suspension, dismissal or other action deemed appropriate.

6.2 Students who fail to abide by the provisions in the policy may face disciplinary action in accordance with the Student Code of Conduct. Disciplinary action may include suspension or complete separation from the University, or other disciplinary action deemed appropriate.

6.3 Campus Community Members (non-students or those not employed by the University but lawfully on University property) who fail to abide by the provisions in this policy may be subject to an issuance of No Trespass by the University Police Department and/or termination of affiliation with the University. Campus Community members whose actions may constitute violation of West Virginia Law will be reported to the proper authorities.



- 6.4 In addition, any Member of the Campus Community whose conduct constitutes a criminal law violation will be referred to the appropriate authorities for prosecution.
- 6.5 Furthermore, although conduct may not violate this Rule, it may still be prohibited by the University under a different rule, policy, or standard behavior. Accordingly, in such cases the University reserves the ability to take necessary action.

SECTION 7. DEFINITIONS

- 7.1 The definitions contained within this Section are applicable to this Rule. However, these definitions do not supersede or supplant the definitions of these terms provided under West Virginia law, including those used within the West Virginia Child Welfare Act, Chapter 49 of the West Virginia Code. This Act may provide other obligations upon individuals.
- 7.2 “Child” means any person under the age of eighteen (18) years.
- 7.3 “Child Abuse or Neglect” means Sexual Abuse, physical injury, mental or emotional injury, sale or attempted sale, negligent treatment or maltreatment of a child by an adult, any other act that endangers or attempts to endanger the health, safety, or well-being of a child, or anything else that is otherwise prohibited by West Virginia law intended to protect children.
- 7.4 “Direct Contact” means when an adult’s interaction with a Visiting Child involves the care, supervision, guidance, or control of a Visiting Child.
- 7.5 “Mandatory Reporters” means any individual obligated by West Virginia law to report any type of Child Abuse or Neglect, including physical or Sexual Abuse. Under West Virginia law, this includes: Any medical, dental or mental health professional, Christian Science practitioner, religious healer, school teacher or other school personnel, social service worker, child care or foster care worker, emergency medical services personnel, peace officer or law-enforcement official, humane officer, member of the clergy, circuit court judge, family court judge, employee of the Division of Juvenile Services, magistrate, youth camp administrator or counselor, employee, coach or volunteer of an entity that provides organized activities for children, or commercial film or photographic print processor who has reasonable cause to suspect Child Abuse or Neglect or observes the child being subjected to conditions that are likely to result in Child Abuse or Neglect. See W. Va. Code § 49-2-803.



7.5.1 Furthermore, under West Virginia law, any person over the age of eighteen who receives a disclosure from a credible witness or observes any Sexual Abuse of a child is also a Mandatory Reporter. Any school teacher or other school personnel who receives a disclosure from a witness, which a reasonable prudent person would deem credible, or personally observes any sexual contact, sexual intercourse or sexual intrusion, as those terms are defined in article eight-b [§§ 61-8B-1 et seq.], chapter sixty-one, of a child on school premises or on school buses or on transportation used in furtherance of a school purpose is also a Mandatory Reporter; Provided, that this subsection will not impose any reporting duty upon school teachers or other school personnel who observe, or receive a disclosure of any consensual sexual contact, intercourse, or intrusion occurring between students who would not otherwise be subject to section three [§ 61-8B-3], five [§ 61-8B-5], seven [§ 61-8B-7] or nine [§ 61-8B-9] of article eight-b, chapter sixty-one of the West Virginia Code. See W. Va. Code § 49-2-803 (2017).

7.5.2 However, for the purposes of this Rule, all University Faculty and Staff are considered Mandatory Reporters.

- 7.6 “Member of the Campus or University Community” means (i) an individual engaged in any University activity or program, whether on or off campus; (ii) any individual lawfully on University property; (iii) any individual that is a University Student, Faculty, Staff, University official, University volunteer, or a University visitor; and (iv) any vendor or contractor, including that vendor’s or contractor’s employees and independent contractors, who are working on campus.
- 7.7 “President” means the President of the University or his or her designee.
- 7.8 “Sexual Abuse” is a form of Child Abuse or Neglect and means any wrongful or otherwise illegal act that involves the sexual molestation or exploitation of child or is otherwise sexual in nature, whether physical injuries are sustained or not.
- 7.9 “Staff” means any Classified or Non-Classified Employee as Full or Part Time. This includes Student Employees.
- 7.10 “Student” means an individual subject to the Fairmont State University Board of Governors Policy 17 (or its successor Rule), the Student Code of Conduct.
- 7.11 “Title IX Coordinator” means the University’s Title IX Coordinator or his or her designee.



- 7.12 “Area” means any department, budget unit, college, other identifiable employee group, or combination thereof.
- 7.12 “Visiting Child” means any person under the age of eighteen (18) years who is attending a Fairmont State University program or activity or any person under the age of eighteen (18) years who is on University premises. However, this definition does not include children at general public events where parents or guardians are invited and expected to provide supervision of children. Additionally, it does not include any person under the age of eighteen (18) years who is enrolled as a Fairmont State University student.

SECTION 8: DELEGATION.

8.1 The Board of Governors delegates to the President the authority to adopt additional internal anti-discrimination policies and procedures to effectuate the implementation of this Board of Governors Rule or in furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.

SECTION 9: AUTHORITY.

- 9.1 The West Virginia Child Welfare Act, W.VA. Code §§ 49-2-801 to -814 (2017); and W.VA. Code §§ 61-8B-1 et seq.

SECTION 10: SUPERSEDING PROVISIONS.

10.1 This Rule supersedes and replaces any and all internal policies or procedures which relates to the subject matter contained within this Rule.