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Chapter: Facilities

Modification No. 001

Subject: **Protection of Minors**

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- I. In matters of child welfare, the College shall place the highest priority on the interests of the minor. Montgomery College is committed to providing a safe environment for minors who participate in College programs and activities. The College endeavors to prevent harm to minors and to take prompt steps to address any harm that may occur. This obligation includes the protection of minors from abuse or neglect, including sexual abuse, and requires prompt and effective response to suspicions of, or observations of abuse or neglect.
- II. It is the policy of Montgomery College that no employee, student, volunteer, or member of the community shall harm a minor; this prohibition applies to individuals and members of outside groups that may use College facilities, participate in College programs, or otherwise be present on college property. The College will hold accountable any individual within its authority who harms a minor. The College will cooperate with county, state, and federal authorities charged with the protection of minors.
- III. Montgomery College expects parents and guardians accompanying minors to supervise minors at all times. College employees are expected to contact and involve government authorities in matters of child welfare through College Security or others as appropriate, except for situations of mandatory reporting of child abuse or neglect, in which reporting to government authorities is required and not optional.
- IV. The College will endeavor to protect minors by defining responsibilities of employees, students, volunteers, and those unaffiliated with the College who use College facilities or participate in College programs. Responsibilities may include the following: (i) meeting standards established for programs and activities that serve minors, (ii) participating in awareness training on child abuse and neglect, (iii) establishing effective protocols for dealing with unsupervised minors, (iv) screening, as determined to be appropriate, for employees, students, and volunteers who may have significant interaction with minors, and (v) meeting legal obligations for reporting child abuse and neglect.
- V. The president is authorized and directed to establish procedures necessary to implement this policy.

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Board Approval: April 28, 2014

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Chapter: Facilities

Modification No. 004

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I. Introduction

In matters of child welfare, Montgomery College places highest priority on the interests of the minor. The president has developed the following procedures to implement Policy 75005, "Protection of Minors," adopted by the Board of Trustees. These procedures set minimum requirements. Some units of the College, including its Early Learning Centers, may implement additional protections to satisfy regulatory guidelines or good practices specific to their situations. These procedures do not apply to students under the age of 18 who are enrolled in credit or noncredit classes where registration is required.

II. Definitions

- A. Child Abuse<sup>1</sup> - Physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed.
- B. Child Neglect<sup>2</sup> - Failure to give proper care and attention to a child, including leaving the child unattended, under circumstances indicating: 1) that the child's health or welfare is harmed or placed at substantial risk of harm; or 2) mental injury to the child or a substantial risk of mental injury.
- C. Child Protective Services - Maryland public agency responsible for protecting children from abuse and neglect. Also known as CPS.
- D. Child Sexual Abuse<sup>3</sup> - Any act that involves sexual molestation or exploitation of a child.
- E. College - Montgomery College.
- F. Educator - A teacher, professor, or faculty member.
- G. Human Service Worker - A counselor, social worker, caseworker, probation or parole officer.
- H. Mandated Reporter - Under Maryland law, any adult who has reason to believe a child may have been subjected to abuse or neglect.
- I. Minor (Also Child or Youth) - A person under 18 years of age.

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<sup>1</sup> Under Maryland law, an act constitutes child abuse, child neglect, or child sexual abuse only if committed by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member. An individual who harms a child may lack this type of relationship with the child. The harmful conduct may nonetheless be a crime, for example, assault or a sexual offense, and not subject to the mandatory reporting law; however such conduct should be reported to the college to evaluate the applicability of State reporting requirements.

<sup>2</sup> See footnote 1.

<sup>3</sup> See footnote 1.

- J. Youth Protection Coordinator - College employee who has responsibility for coordinating compliance with these procedures and the companion policy.

III. Reporting Child Abuse or Neglect

The most important factor in reporting is to act promptly. Reporting procedures vary depending on whether the problem is child abuse or child neglect. If the individual making the report is a health practitioner, police officer, educator, or human service worker, some added responsibilities apply.

This section explains legally-required reporting to government authorities under Maryland law. It also explains internal reporting requirements within the College and how to obtain advice.

A. Protection for Individuals Making Reports

The College will not retaliate against any person for making a good-faith report of child abuse or neglect. In addition, Maryland law provides immunity to anyone making a good-faith report of child abuse or neglect, so the alleged wrongdoer cannot recover damages from the reporter for making the report.

B. Who Must Make a Report

Anyone who has reason to believe a child has been subjected to abuse or neglect must make a report to government authorities. This includes College employees, students, volunteers, visitors, and individuals or groups using College facilities for any purpose.

C. Reporting Child Abuse to Government Authorities

1. In an emergency, dial 911.
2. Regardless of whether 911 is contacted, employees must give notice about the suspected child abuse to EITHER (a) the local social services department or (b) the local law enforcement agency. Notice may be oral, except as provided in section E below. The relevant locality is where the child lives or where the abuse occurred. In Montgomery County, the appropriate social services agency is the Child Abuse and Neglect Hotline at 240-777-4417. For the Montgomery County Department of Police, the non-emergency number is 301-279-8000.

D. Reporting Child Neglect to Government Authorities

1. In an emergency, dial 911.
2. Regardless of whether 911 is contacted, employees must notify the local social services department for the area in which the child lives or in which the neglect occurred. In Montgomery County, contact the Child Abuse and Neglect Hotline at 240-777-4417.

E. Special Rules for Certain Professionals

1. Health practitioners, police officers, educators, or human service workers acting in a professional capacity must follow an oral report with a written report to the relevant agency within 48 hours after forming the belief that the child may have been subjected to abuse or neglect.
2. Report Contents. Insofar as is reasonably possible, an individual who makes a report shall include in the report the following information:
  - (a) the name, age, and home address of the child;
  - (b) the name and home address of the child's parent or other person who is responsible for the child's care;
  - (c) the whereabouts of the child;
  - (d) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and
  - (e) any other information that would help to determine:
    - (i) the cause of the suspected abuse or neglect; and
    - (ii) the identity of any individual responsible for the abuse or neglect.
3. For more information about the contents of written reports see [2010 Maryland Code, Family Law, Title 5 – CHILDREN, Subtitle 7 - Child Abuse and Neglect Section 5-704 - Reporting of abuse or neglect - By health practitioner, police officer, educator or human service worker.](#)

F. Internal Reporting of Harms to Children

After reporting to government authorities, the individual must also make a report to the College if either the abuse bears a connection to the College or the individual became aware of the abuse as part of his or her College responsibilities. Promptly notify the Department of Public Safety and Emergency Management which, in turn, should notify the youth protection coordinator. Report to the College only after any mandated reporting to the government.

If an individual is unsure about whether or how to make a report, promptly contact the youth protection coordinator.

G. Disclosure by an Adult of Prior Abuse or Neglect as a Child

An adult may disclose that he or she was abused or neglected as a child. Even if the event(s) occurred a long time ago, employees are compelled by law to make a report. If there are concerns, about reporting, please contact the youth protection coordinator (See Opinion of the Maryland Attorney General dated December 3, 1993, at 78 Op. Att'y Gen. 189).

IV. Criminal History Checks

Criminal history background checks can help screen employees, students, and volunteers for their suitability in working with children and other vulnerable populations. This section describes criminal history check requirements for employees and other individuals. The College evaluates criminal histories on an individualized basis rather

than imposing an automatic disqualification. Criminal history checks must be completed before an individual interacts with minors on behalf of the College.

Some College employees and students may undergo criminal checks before participating under College auspices in the Montgomery County Public Schools (MCPS) or other community settings. This section does not replace MCPS or other external criminal history check requirements.

A. College Employees

All newly-hired College employees undergo criminal history checks. Subject to resource availability, the College intends to conduct criminal history checks on all College employees who have contact with minors, and will be expanding criminal history checks in a tiered roll-out. These checks are conducted pursuant to College Policy and Procedure [32101–Employment Practices](#) and as determined by Human Resources and Strategic Talent Management (HRSTM). Criminal history checks for employees will be repeated periodically.

B. College Volunteers and Outside Groups

1. For College volunteers who have contact with minors, the youth protection coordinator will require the individual to have a satisfactory criminal history check based on a check of the national sex offender public website, maintained by the United States Department of Justice, using the individual’s name and place of residence. See [www.nsopw.org](http://www.nsopw.org).

Subject to resource availability, the College will provide for periodic criminal history checks on all volunteers who have contact with minors.

2. As discussed below under “Use of College Facilities by Outside Groups,” (Section VII below) external youth-serving groups using College facilities may be required to implement criminal history checks for their employees and volunteers.

V. Program Requirements

Youth-serving programs exist in many parts of the College, including academic, recreational, and community outreach units. To facilitate compliance with this policy, all programs that serve youth must register in advance and satisfy other child protection requirements. The youth protection coordinator has the authority to disallow youth programs that do not meet the requirements stated in this procedure. College credit or noncredit classes where College registration is required and in which one or more students may be under 18, need not satisfy the program requirements. To register youth-service programs, program directors should follow the following guidelines:

- A. Notify the youth protection coordinator at least 30 calendar days before the program begins. Use the online registration form or send an email to the youth protection coordinator.
- B. Establish staffing ratios for the program or follow staffing ratios already established. Staffing ratios should account for factors including: the type and

length of the program; the numbers, ages, and experience levels of the youth; the ages and experience levels of the staff; whether the program involves transportation, swimming, changing clothes, showering, or other special circumstances; and how the program will function if a staff member is unavailable or attending to emergency needs of a single child rather than supervising the whole group.

- C. Coordinate criminal history checks for employees with HRSTM. HRSTM will notify the supervisor whether or not the individual is authorized to have contact with minors. Until the supervisor receives this notification, the individual may not have contact with minors in the program.
- D. Formal and informal youth mentoring programs must register and provide the names of youth being served. The mentors must undergo criminal background checks and training. This requirement applies to, among others, a faculty member who may allow a minor to work in a professional setting over a vacation period.

#### VI. Behavioral Standards, Training, and Resources

The College requires those working with youth not to be alone with a minor before, during, or after the program or activity. The “rule of three,” as it is known, calls for two responsible adults to be present at all times. Any exception to the “rule of three” must be made, in advance, by the supervisor or program director. The College will provide additional guidance on behavioral standards through training, educational resources, and consultation facilitated by the youth protection coordinator.

#### VII. Use of College Facilities by Outside Groups

- A. Many outside groups use College facilities for their own youth-serving programs. Outside groups must meet the following requirements for the protection of minors:
  - 1. Register the program at least 30 calendar days in advance under section V., subsection A. above.
  - 2. Structure the program to eliminate any one-on-one time between an adult and a minor in a private area not readily observable by others.
  - 3. Distribute educational materials provided by the College to the adults participating in the program and review the contents with adult participants.
- B. For outside groups required to have commercial general liability insurance, the insurance must have appropriate limits and types of coverage as determined by the General Counsel.
- C. For outside programs lasting more than one day or involving an overnight stay, conduct criminal history checks on all paid staff and volunteers. Use a College-approved vendor to conduct the checks and certify to the College that the outside group’s staff and volunteers have satisfactory results from a completed criminal history check. Provide any results indicating a criminal history to the College for

its review and determination, under established College procedures, as to whether the individual may work with youth on College premises. No staff member or volunteer in an outside program lasting more than one day or including an overnight stay may work with youth on College premises until a satisfactory criminal history check has been completed.

- D. Comply with instructions from the youth protection coordinator concerning program operations.

The College may require an outside group to: (a) provide documentation showing satisfaction of all requirements in this section, and/or (b) permit the College to audit youth protection protocols and records upon request.

VIII. Miscellaneous Responsibilities – Children in the Workplace and Classroom, Unaccompanied Minors, and Vendors

- A. Employees may not bring children to work except for occasional short periods of time that do not interfere with the employee or his or her colleagues devoting their full attention to College business. The employee retains full responsibility for supervising the child at all times. Events such as “Bring Your Child to Work Day” or other activities especially designed to be suitable for children in the workplace may excuse personal supervision for the event.
- B. Students should make childcare arrangements for periods when they will be on campus. In an occasional emergency situation, and only with permission of the instructor, a student may bring a child to class provided that the situation does not interfere with other students’ educational experience. If the instructor does not grant permission for the child to be present, the student must remove the child from College premises.
- C. Supervised children accompanied by responsible adults may be invited to participate in public activities organized and sponsored by the College. Except for specially planned public activities and supervised youth activities, no minors are permitted in a College laboratory or any other area or activity posing special risks to minors. No children, whether supervised or unsupervised, are permitted on construction sites, in maintenance facilities, or other areas where their presence constitutes a danger to themselves or others.
- D. The College is not responsible for unaccompanied minors who are not participating in a structured program or activity. If a minor on College premises appears to be unaccompanied and in need of supervision (for example should an emergency arise), staff will contact the College Department of Public Safety and Emergency Management. Public Safety staff will temporarily supervise the minor and may, in their discretion, contact law enforcement or child protection authorities.
- E. The College may require vendors and contractors to meet requirements of this policy including, among others, reporting obligations, criminal history checks, training, and adherence to behavioral standards.
- F. The College is not responsible for injuries to children who are on College premises in violation of these procedural guidelines.

- G. Students and employees who violate these procedures may be subject to disciplinary action and other appropriate sanctions by the College in accordance with normal processes.

IX. Interpretations and Exemptions

The youth protection coordinator is authorized to interpret and grant specific exemptions to the application of these procedures. The youth protection coordinator must maintain a record of any such interpretations and exemptions, and on a regular basis (monthly unless otherwise requested by the president) furnish a copy of this record to the president and the general counsel.

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Administrative Approval: July 29, 2004; June 10, 2013, April 28, 2014 (administrative correction only); February 23, 2015.