

8.14.1 Safety of Children in University Programs and Reporting Abuse

This Policy sets forth requirements for Loyola University Maryland (herein after referred to as Loyola or University) students, employees (including all faculty, administrators, staff, and student workers), independent contractors, and volunteers to comply with all applicable laws and regulations related to working with minors including required CJIS background checks and reporting suspected child abuse and neglect to appropriate government authorities. This Policy also sets forth screening, training, and conduct requirements for University “covered programs” as defined below.

All University students, employees, independent contractors, and volunteers are responsible for understanding and complying with the University’s Policy and Procedures on the Safety of Children.

Violations may result in disciplinary action, up to and including termination in the case of employees, and/or removal from participation in covered programs, and/or appropriate action pursuant to Community Standards for students.

Reason for Policy

Loyola is committed to the safety and well-being of all individuals in its community and, in particular, those who are potentially vulnerable and require special attention and protection, including minor children. This Policy reaffirms that commitment and establishes guidelines for those in the University community who may work or interact with minors. This Policy also addresses the obligation to report known or suspected abuse or neglect of a child under applicable law.

Definitions:

Camps – for the purpose of this policy, a day or residential camp, primarily serving minors.

Campus – for purposes of the Policy, means all buildings, facilities, and properties that are owned, operated, managed, or controlled by the University.

Child – for purposes of the Policy, means an individual younger than 18 years old.

Child abuse – for purposes of the Policy, means:

- (1) the *physical or mental injury* of a child 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, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed;
- (2) *sexual abuse* of a child (i.e., any act that involves sexual molestation or exploitation of a child 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), whether physical injuries are sustained or not. Sexual abuse includes:
 - Allowing or encouraging a child to engage in obscene or pornographic activity or prostitution
 - Human trafficking
 - Incest
 - Rape
 - Sexual offense in any degree

- Sodomy
- Unnatural or perverted sexual practices

Child neglect – for purposes of the Policy, means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child under circumstances that indicate that the child’s health or welfare is harmed or placed at substantial risk of harm, or mental injury to the child or a substantial risk of mental injury.

Covered programs – for purposes of the Policy, means University-sponsored activities that serve minors such as day and overnight camps, instructional activities, and health care programs. Camps and other programs conducted or operated by University athletic coaches and other employees in their personal capacities are covered programs where the coach's or employee's University affiliation is identified and/or where such programs use University premises, facilities or resources. Programs or services that serve minors and are conducted or provided by an outside entity or contractor on University premises or on behalf of the University are also covered programs.

Covered programs do not include academic programs in which students enrolled at the University or another institution of higher education are the only minors participating in the programs. Covered programs also do not include University events that are open to people of all age groups, such as fairs and festivals, or University events at which children will be accompanied at all times by their parent or legal guardian.

Although some employees may not be involved in a covered program, all employees are required to report instances of child abuse or neglect they witness in accordance with this Policy’s reporting requirements.

Employee – for purposes of this policy means any faculty, administrator, staff, student worker, and or anyone working in any capacity on behalf of Loyola who does not qualify as a volunteer or independent contractor.

Mental injury – for purposes of the Policy, means the observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function.

Minor – for purposes of the Policy, means an individual younger than 18 years.

8.14.1.1 Procedures for Working with Minors

Any university student, employee, independent contractor, or volunteer interacting with minors in a covered program must ensure they maintain the highest standards of personal behavior at all times to preserve a safe and comfortable environment. The University recognizes that except for authorized exceptions based on legitimate pedagogical reasons, specific clinical applications, or training programs, it is best practice for persons in a covered program to refrain from being alone with a minor in a covered program. Interactions with minors should involve multiple adults when possible and one on one interactions with minors should be in a public place where you can be observed by others.

Persons interacting with minors may not:

- Spend significant time alone with a minor away from the group or conduct private interaction with a minor behind closed doors.

- Touch in an inappropriate or illegal manner, strike or hit, or administer corporal punishment to a minor at any time.
- Engage in abusive conduct of any kind toward, or in the presence of a minor.
- Use inappropriate language, tell riske jokes, make sexually suggestive comments to any minor.
- Access or show any sexually explicit images or materials in the presence or vicinity of a minor.
- Give minors access to any sexually explicit images, material, or media.
- Give minors access to any tobacco, alcohol, or illegal drugs.
- Use tobacco, alcohol, or illegal drugs in the presence or vicinity of a minor.
- Date or become romantically or sexually involved with a minor.
- Drive a child without a signed waiver from the child’s parents or legal guardian.

While all of the foregoing constitutes a violation of this policy, certain prohibited acts also constitute violations of Maryland criminal law and/or unlawful abuse and neglect. Further, although some employees may not be involved of a covered program, all employees are required to report instances of child abuse and neglect that they may witness in accordance with Maryland reporting requirements.

Any University employee, and/or independent contractor who violates these conduct requirements or other requirements described in this Policy may be subject to disciplinary action up to and including termination of employment and/or contract. Students violating conduct requirements or other requirements described in this Policy may also be subject to discipline based on the University’s Community Standards. Volunteers violating these requirement may be prohibited from volunteering or accessing University grounds or programs.

Additional program-specific rules of conduct may be adopted based on the nature of the program, requirements under applicable law and regulations, contractual obligations, and other relevant factors.

8.14.1.2 Reporting Requirements

1. Reporting Known or Suspected Child Abuse or Neglect

Making a Report

University students, employees, independent contractors, and volunteers are required to comply with all applicable laws and regulations on the reporting of child abuse and neglect. Maryland law requires the reporting of child abuse, including sexual abuse, or neglect to law enforcement or the local department of social services if a person has reason to believe that a child has been subjected to abuse or neglect (see <http://dhs.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/>). Reporting does not require proof that child abuse or neglect has occurred and incidents should be reported as soon as they are suspected. Child abuse must be reported even if the alleged abuse occurred in the past and the victim is no longer a child.

The law considers educators (including all professional employees of the University), health care practitioners, police officers, and human service workers as “mandated reporters” that are required to make a verbal report by phone or in person immediately to the local department of social services or appropriate law enforcement agency, **and** a

written report to the local department *within 48 hours* with a copy to the local State's Attorney (see <https://dhs.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/mandated-reporters/>).

If a person witnesses abuse of a child while it is occurring, the person should contact 911 immediately. Other persons are required by law to notify the local department of social services or appropriate law enforcement agency orally or in writing.

All reports shall include the following information (if available):

- Name, age, and home address of the victim;
- Name and home address of the child's parent or person responsible for the child's care;
- Present location of the child;
- Nature and extent of the suspected abuse or neglect;
- Any other information that would help to determine the cause of the suspected abuse or neglect and the identity of an individual responsible for the abuse or neglect.

In addition to notifying lawful authorities, students, employees, independent contractors, and volunteers must notify one of the University's designees, Title IX Coordinator 410-617-5646 or Human Resources 410-617-2354 as soon as possible of the report and provide all of the above information. Individuals may contact the University's designees for assistance in making reports to civil authorities as long as doing so does not delay the required reporting.

On receiving a report of child abuse or neglect that occurred on University property or in connection with a covered program, the University will take appropriate steps to assure the safety of children. Under Maryland law, any person who in good faith makes or participates in making a report of child abuse or neglect in accordance with Maryland law or participates in an investigation or a resulting judicial proceeding, is immune from any civil liability or criminal penalty that would otherwise result from such actions. The University prohibits retaliation against any person who in good faith makes or participates in making a report of child abuse or neglect under this Policy. The University also prohibits the intentional filing of false reports of child abuse or neglect.

Please refer to [Exhibit A](#) for Warning Signs of Abuse or Neglect of Minors.

Confidentiality Concerns

Because reports of child abuse and neglect are mandatory, a report must be made even when the victim specifically requests confidentiality or that the report not be made.

The mandatory reporting obligations apply notwithstanding any other provision of the law, including any law on privileged communications, except for attorney-client confidential communications and communication made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

During events or meetings where individuals are encouraged to share information that may include information about child abuse or neglect, program leaders should consider

informing participants of the University's reporting obligations at the beginning of the event. Writing assignments or essays that discuss abuse may also create a reporting obligation if the written materials give reason to believe that abuse or neglect may have occurred. Under the law, the identity of a person making a good faith report is kept strictly confidential and is not shared with the victim or alleged perpetrator.

2. Requirements for Covered Programs

In addition to the reporting obligations set forth above, this Policy sets forth screening, training and notification requirements for covered programs as defined above.

Screening

All individuals who are engaged by the University (whether as employee, student, or volunteer) to work in a covered program and who are expected to have substantial contact with minors (including all overnight activities) are subject to criminal background screening requirements.

The supervisor responsible for employees, students, and/or volunteers interacting with minors in a covered program should contact Human Resources at 410-617-2354 and provide the employees, students, and/or volunteers information to ensure a background check is performed prior to interaction with anyone in a covered program and being allowed on campus as a volunteer.

Additional screening and or fingerprinting may be required by law or grant/funding requirements for employees, students, or volunteers to participate in a covered program. Program supervisors / directors are responsible for facilitating any additional screening and or fingerprinting that is required for a covered program.

Independent contractors, including individuals offering academic and sports camps will need to certify in writing that a background check that meets or exceeds the minimum requirements per [Exhibit B](#), and any additional screening or fingerprinting required by law or grant/funding requirements, to the University official they report to prior to interacting with minors in a covered program.

The Human Resources screening generally will include, at a minimum, a criminal history records check, along with any additional screening as appropriate and as required by Maryland law (Md. Code Ann., Family Law, Title 5, Subtitle 5 and related regulations) or other applicable law or grant requirements. In addition to the initial screening, the person responsible for the covered program may require screening at regular intervals based on the nature of the program, requirements under applicable law, contractual or funding obligations, or other relevant factors. It is the obligation of the person responsible for the covered program to assure that all screenings are completed satisfactorily and prior to being allowed on campus.

Should the initial or subsequent screening indicate a criminal record or if an individual refuses a background check, Human Resources, the Title IX Coordinator, and Risk Management must be consulted to determine whether to engage or retain the individual to participate in a covered program. Certain criminal violations act as an absolute bar to retaining or engaging the individual. All screenings will be conducted, and all information and results will be used, in accordance with applicable laws and regulations and University policies and procedures.

Please see [Exhibit B](#) for specific information on screening.

Training

All individuals who work in covered programs (whether as an employee, student, independent contractors, or volunteers) are required to participate in mandatory training every year on appropriate conduct in the presence of minors, protecting children from abuse and neglect, and reporting of known or suspected child abuse and neglect.

Supervisors working with minors should email Human Resources at humanresources@loyola.edu and provide a name and email address of the person requiring training.

Contracts with Third Parties

Non-University organizations and individuals operating covered programs must provide certification to the University indicating that all individuals working in the program (paid or unpaid) who are expected to have substantial contact with minors have been screened and have received training that meets or exceeds the minimum requirements of this Policy prior to commencing services.

Contracts with third parties operating covered programs shall require that the third party:

- Purchase a minimum of \$1 million of general liability insurance to include \$1 million of sexual molestation liability coverage;
- Provide proof of insurance coverage, listing the University as another insured, for child sexual abuse;
- Ensure satisfactory background checks results for all workers that meet the requirements in Appendix B and such additional screening requirements required by law;
- Provide written confirmation that any required licenses and certifications have been obtained and that the third party will comply with all applicable University policies (e.g., internet access, alcohol);
- Consent to the removal of any of the third party's employees, agents, or volunteers upon reasonable request of the University; and
- Consent to the termination of the contract upon any violation of the Policy or if the third party permits conditions or practices that are unsafe for minors.

Draft language for contracts with third parties is available from Risk Management by calling (410) 617-5070.

Notification

- Any employee, student, volunteer, or independent contractor is required to let their supervisor know in writing that they will be working with minors.
- The supervisor of any employee, student, independent contractor, or volunteer working in a covered program with minors are required to notify Human Resources to ensure screening and training is received.
- All supervisors of employees who are participating in a covered program with a minor are responsible for keeping all CJIS and related records.
- Any independent contractor requiring non-employee account access should fill out the Request for Non Employee Access Form and the Confidentiality Agreement in [Exhibit C](#).

- To ensure that all screenings and trainings have occurred prior to working with minors in a covered program, the supervisor responsible can use [Exhibit D](#) – Supervisor Checklist for Working With Minors In Covered Programs.

3. Questions Regarding this Policy

Questions regarding this Policy, expectations regarding conduct with minors, reporting, screening, training, and notification obligations should be addressed to the Title IX Coordinator 410-617-5646, Human Resources 410-617-2354, or Risk Management 410-617-5070.

Cross-Referenced Policies and Procedures:

- Employee Policy Manual – 8.6 - Harassment and Discrimination Policy and Procedures