



LOYOLA UNIVERSITY MARYLAND

— 1852 —

POLICY ON THE SAFETY OF CHILDREN IN UNIVERSITY PROGRAMS AND REPORTING ABUSE

DIVISION WITH PRIMARY RESPONSIBILITY: Business and Finance Division
OFFICES FOR ENSURING COMPLIANCE: Department of Public Safety, Human Resources and Student Development
CONTACT OFFICE: Facilities and Campus Services 410-617-5070
EFFECTIVE DATE: June 12, 2017
REVISION HISTORY: N/A
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POLICY SUMMARY

This Policy sets forth requirements for University students, faculty, administrators, staff, and volunteers to comply with all applicable laws and regulations that require CJIS background checks and reporting suspected child abuse and neglect to appropriate government authorities. This Policy also set forth screening, training, and conduct requirements for University “covered programs” as defined below.

All University students, employees, 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.

REASON FOR POLICY

Loyola University Maryland 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 minor that is operated for all or part of the day but less than 24 hours and is conducted for at least 7 calendar days during a three week period and provides three or more recreational activities or any one specialized activity or program.

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.

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 old.

STATEMENT OF POLICY

1. Reporting Known or Suspected Child Abuse or Neglect

a. Making a Report

University students, faculty, staff, 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://www.dhr.state.md.us>). Child abuse must be reported even if the alleged abuse occurred in the past and the victim is no longer a child.

The law mandates that educators (including all professional employees of the University), health care practitioners, police officers, and human service workers make oral reports by phone or in person *as soon as possible* 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. (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 other 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, professional employees of the University are required by law to notify one of the University’s designees, Kathleen Parnell, Assistant Vice President for Human Resources (410- 617-2354) or Katsura Kurita, Assistant Vice President for Student Development (410- 617-5646), immediately 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.

b. 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 communications to a priest during the Sacrament of Reconciliation.

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 conduct requirements for covered programs as defined above.

The University recognizes that except for authorized exceptions based on legitimate pedagogical reasons, it is best practice for persons in a covered program to refrain from being alone with a child at any time in connection with the program. Under no circumstances will persons be alone with a child in settings where they and the child are not directly observable at all times.

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.

Any University administrator, faculty or staff member who violates these conduct requirements or the other requirements described in this Policy may be subject to discipline for professional misconduct, up to and including termination of employment with or appointment to the University.

a. **Training**

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

b. **Background Checks**

All individuals who are engaged by the University (whether as employees, independent contractors or volunteers) to work in a covered program and who are expected to have substantial contact with minors (including all overnight activities) are subject to background screening requirements. Employees working camps must have criminal background checks and their information will be stored in accordance with the Criminal History Record Information Policy.

c. **Contracts with Third Parties**

Non-University organizations and individuals operating covered programs must provide documentation 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. Third parties must all show that all employees have received a criminal background check that meets or exceeds University standards.

3. Questions Regarding this Policy

Questions regarding this Policy, reporting, screening, and training obligations, or expectations regarding conduct with minors should be addressed to Kathleen Parnell, Assistant Vice President for Human Resources - located at 500 York Road Baltimore, MD 21212, Office number 204e, via email kmarnell@loyola.edu, and by phone 410-617-2354.

CROSS-REFERENCED PROCEDURES:

- Procedures on the Safety of Children in University Programs and Reporting Abuse.
- Criminal History Record Information Policy
- Harassment and Discrimination Policy and Procedures