

Policy Name: **Protection of Minors on Campus Policy**

Policy Owner: Risk Manager

Responsible College Office(s): Various Department Heads

Origination Date: November 1, 2020

I. Purpose and Scope of Policy

Washington College is committed to providing a safe and supportive environment to our students, faculty, staff, visitors, vendors, and volunteers including activities involving Minors. The College strives to conduct its operations in a manner consistent with its mission.

The Protection of Minors on Campus Policy (herein referred to as “Policy”) is intended to facilitate the protection of Minors at all times during programs, camps, clinics and other similar events held on College property or in College facilities, whether sponsored or organized by or on behalf of the College or by third parties.

Washington College does not discriminate on the basis of race, sex, color, national or ethnic origin, age, religion, marital status, disability, sexual orientation, gender identity, gender expression, genetic information, or other legally protected classification in the administration of any of its educational programs and activities or with respect to admission and employment. Please refer to Washington College’s non-discrimination policies at https://www.washcoll.edu/people_departments/offices/human-resources/college-policies/index.php.

II. Definitions

- a. **“Abuse and Neglect”**, per State law, means any of the following by a person who has care, custody or responsibility for supervision of the Minor or who, because of their position or occupation, exercises authority over the Minor:
 - i. Physical injury (not necessarily visible) of a Minor under circumstances that indicate that a Minor’s health or welfare is harmed or at substantial risk of being harmed.
 - ii. The failure to give proper care and attention to a Minor, including leaving a Minor unattended, where the Minor’s health or welfare is harmed or a Minor is placed in substantial risk of harm.
 - iii. An act or acts involving sexual molestation or exploitation whether physical injuries are sustained or not.
 - iv. Identifiable and substantial impairment of a Minor’s mental or psychological ability to function.
- b. **“Adult”** means a person who has reached his/her/their eighteenth birthday.
- c. **“Minor”** means a person who has not reached his/her/their eighteenth birthday.
- d. **“Participants”** means the Minors who are participating in a Program without supervision by their parents and or legal guardians, regardless of duration.
- e. **“Program”** means any camp, clinic, event, class, or the like occurring on College property or using College facilities that serve Minors without supervision by their parents or legal guardians, regardless of the duration.

- f. **“Program Organizer (or Organizer)”** means any individual or organization (i.e. employee, student, alumnus, visitor, volunteer, third party/vendor) who wishes to sponsor/organize any Program that includes, or serves, Minors on the College’s campus or in any of its facilities.
- g. **“Program Staff (or Staff)”** means all employees, student workers, volunteers, and/or independent contractors working with a Program that involves Minors.

III. Policy Statement

It is the policy of the College to require anyone organizing a Program to take affirmative steps to lessen the risk of harm to Minors as stated in this Policy. Anyone organizing a Program must agree to comply with the terms of this Policy including *Section V. Policy Standards and Procedures for College Sponsored Programs* or *Section VI. Policy Standards and Procedures for Third Parties*, as applicable.

IV. Reporting Suspected Abuse or Neglect of a Minor

In compliance with all state mandated reporting laws relating to Minors, Washington College requires all College employees, trustees, alumni, visitors, volunteers, vendors and independent contractors who know or in good faith reasonably suspect Abuse or Neglect of a Minor to report such knowledge or suspicion both internally to the appropriate College authority and externally to the appropriate state authorities.

- a. How to Make a Report-Immediate Danger
 - i. If a child is in immediate danger, contact police immediately at 911 or the College’s Public Safety at (410) 778-7810 to obtain protection for the child.
 - ii. Immediately make an oral report to the Maryland Department of Human Resources, Social Services Child Protective Services for the State of Maryland at (410) 767-7112 or in Kent County (410) 810-7600 or after hours, State Police at (410) 758.1101.
- b. How to Make a Report – Not Immediate Danger
 - i. If the child is not in immediate danger, contact Washington College Public Safety at (410) 778-7810 or 911, and the Interim Title IX Coordinator, Greg Krikorian, Interim Dean of Students, at (410) 778-6118.
 - ii. Within 24 hours, contact the Maryland Department of Human Services (MDHS) for the State of Maryland at (410) 767-7112 or in Kent County (410) 810-7600 or after hours, State Police at (410) 758.1101.
- c. Information to be included in a report made to MDHS:
 - i. The name, age, and home address of the child;
 - ii. The name and home address of the child’s parent or party responsible for the child’s care;
 - iii. The whereabouts of the child;
 - iv. The nature and extent of the Abuse or Neglect of the child;
 - v. Any evidence or information available to the reporter concerning possible current or previous instances of abuse or neglect;
 - vi. Any evidence or information that would help to determine the cause of the suspected Abuse or Neglect;
 - vii. The identity of any individual responsible for the Abuse or Neglect;
 - viii. Any observable, identifiable and substantial impairment of a child’s mental or psychological ability function.

- ix. A paper form, to report, can be found at the website:
<http://dhs.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/mandated-reporters/>

d. Non-retaliation Statement

It is the policy of the College that it will not retaliate against, and will take measures to protect from retaliation, any person who makes a good faith report under this Policy. Nothing in this section shall be read to conflict with the College's ability to discipline employees who engage in wrongful conduct.

e. Failure to Report

If any College employee, volunteer, visitor, vendor or independent contractor negligently, recklessly, or willfully fails to report a case of suspected Abuse or Neglect of a Minor, then that individual is also subject to disciplinary action, up to and including dismissal, and, in the case of independent contractors, termination of their contract for cause.

f. College's Response to a Report

- i. When in receipt of a report of reasonably suspected abuse or neglect of a Minor, the College will immediately notify the Washington College Public Safety Department.

- ii. Parental Notification

Except in cases where the individual suspected of Abuse or Neglect is the Minor's parent/legal guardian, the Washington College Public Safety Department will contact the parent/legal guardian of the victim identified in the report to inform them that the College has received a report of Abuse or Neglect and that the matter has been referred to the appropriate authorities. The Washington College Public Safety Department will provide the parent/legal guardian with the contact information of the appropriate authority in order for the parent/legal guardian to obtain further details.

V. Policy Standards and Procedures for College Sponsored Programs

a. Registering a Program Involving Minors

- i. Any Program Organizer must adhere to this Policy.
- ii. The Program Organizer is responsible for registering the Program with the Risk Manager as soon as practicable but in no event less than 60 business days before the start of the Program.
- iii. The Program Organizer needs to provide the Risk Manager with as much information as possible, as soon as possible, about the Program using the Program Registration Form (Appendix A) provided by the College (i.e. day or overnight, ages of participants, staff information, dates, etc.). The Program Organizer is responsible for completing the registration information no later than seven business days prior to the start of the Program if the registration form was not appropriately completed when first submitted.

b. Background Checks

- i. All Program Organizers must obtain for themselves and for each Program Staff member, prior to the start of the services provided to the Program, a criminal background check consistent with the policies and practices of the Department of Human Resources at the College and must be current within five years of the Program start date.

- ii. Criminal background checks are conducted by a commercial contractor, managed by the Department of Human Resources, through a review of publicly available law enforcement, court and other records, including international records as appropriate based upon identifying information regarding the individual. A period of no less than seven years and no greater than 10 years is searched for federal, residential (state and county), and national sex offender records. Motor vehicle records may be searched depending on the position.
- iii. The Program Organizer is responsible for maintaining a roster of all Program Staff (Appendix B) and for providing the roster to the Department of Human Resources 60 calendar days prior to the Program's start date. The Department of Human Resources will work in conjunction with the commercial contractor to determine eligibility of the Program Staff to work a Program. The Department of Human Resources will certify in writing, to the Program Organizer, who is eligible to work 30 calendar days prior to the start of the Program.
- iv. The Department of Human Resources will inform the college's Accounts Receivable (AR) the cost of the background checks for the entire Program Staff. AR will invoice the Program Organizer once the information has been received.
- vi. Program Staff between the ages of 14 to 17 must provide approved working papers to the Program Organizer in lieu of a background check.

c. Training Requirements

- i. All Program Staff members must receive and complete training prior to the start of the Program, on an annual basis to include the following:
 - 1. **Program Organizers** must complete the following online training courses prior to working a Program at the College:
 - a. *Hiring Staff Who Work with Minors*
 - b. *Identifying and Reporting Sexual Misconduct*
 - 2. **Program Staff** [other than students] must complete the following online training course prior to working a Program at the College:
 - a. *Identifying and Reporting Sexual Misconduct*
 - 3. **All Program Staff that are Washington College, non-Washington College students or Minors** must complete the following online training course prior to working in a Program at the College:
 - a. *Shine the Light*
 - 4. Training requirements are to be completed on an annual basis. The training courses are provided by the College's insurance carrier, United Educators and will be tracked and documented through United Educators' learning portal.
- ii. The Washington College Risk Manager will work with United Educators to provide each Program Organizer (i.e. Athletics, Conference Services, Admissions, etc.) with access to the online training portal. It is the Program Organizer's responsibility to certify that the training has been provided to, and completed by, all Program Staff.

d. Certification of the Program

- i. No less than 14 business days prior to the start of the Program, the Program Organizer must certify in writing to the Risk Manager the following:
 - 1. A background check and training for each Program Staff member has been completed, recorded and documented;

2. The proper permission slips and/or release forms have been obtained from each Participant;
 3. A detailed description of the sign-in and sign-out procedures for the Program; and
 4. The number and ages of the Participants.
- ii. All information stated above must be completed on the Program Certification Form (Appendix C).

e. Approval from Washington College

The Program is not permitted to operate on College property or in College facilities until the Program Organizer has received written approval from the Risk Manager. This certification will be issued on the Program Certification Form (Appendix C).

f. Code of Conduct

i. Program Organizers and Program Staff Expectations

1. Program Staff and Program Organizers must have successfully completed a criminal background check, and must have undergone the required training by the College. Program Staff ages 14 to 17 must provide the Program Organizer their official working papers and complete the required training.

ii. Standard of Conduct

Program Organizers and Program Staff are prohibited from doing anything to endanger Minors, including but not limited to:

1. Having one-on-one contact with Participants: there must be two or more Adults present during activities where Minors are present (with the exception of licensed psychologists providing psychological and counseling services to Minors);
2. Having any direct electronic contact with Participants without another Adult being included in the communication (i.e. e-mail, text messages, social networking sites);
3. In the case of Adults supervising Participants overnight, entering a Participant's room, bathroom facility, or similar area without another Adult in attendance, consistent with the Policy of not having one-on-one contact with Participants;
4. Sharing overnight accommodations with Participants (other than the Minors' parents or guardians);
5. Showering, bathing or undressing with or in the presence of a Minor;
6. Engaging in abusive conduct of any kind toward, or in the presence of, a Participant;
7. Striking, hitting, administering corporal punishment to, or touching in an inappropriate or illegal manner any Participant;
8. Touching should only be done in the open and for a clear educational, developmental or health- related purpose;
9. Picking up Participants from or dropping off Participants at their homes, other than the driver's child(ren), except as specifically authorized in writing by the Participant's parent or legal guardian;
10. Using, possessing or being under the influence of alcohol or illegal drugs while on duty or when responsible for a Minor's welfare;
11. Providing alcohol or illegal drugs to any Participant;

12. Providing prescription drugs or any medication to any Participant unless specifically authorized in writing by the parent or legal guardian as being required for the Participant's care or the Participant's emergency treatment;
13. Making sexual materials in any form available to Participants or assisting them in any way in gaining access to such materials;
14. Using vulgar language or engaging in sexual talk, sexual actions, making sexual comments with Participants;
15. Meeting with Participants outside of established times for Program activities (any exceptions require parental/legal guardian authorization) and must include more than one Adult from the Program; and
16. Taking pictures of Participants in the Program unless their parent or legal guardian has signed a waiver allowing use of photography for Program-related purposes. Even if such a waiver has been signed, Program Staff should not take photos of Participants for their own use, including for the purpose of posting to their own social media site.

g. Supervision of Minors

All Minors must be supervised at all times by Program Staff. Program Organizers may not rely on Program Staff not listed on their roster to supervise Minors. The ratio of Program Staff to Participants must reflect the gender distribution of the Participants and should meet the following minimums:

- i. 1 staff member for every 5 participants ages 4 and 5
- ii. 1 staff member for every 6 participants ages 6 to 8
- iii. 1 staff member for every 8 participants ages 9 to 14
- iv. 1 staff member for every 10 participants ages 15 to 17

h. Self-Reporting

Any Program Staff member who is arrested, charged with, or convicted of a crime must self-report the arrest or conviction within 72 hours to the Program Organizer, who must in turn immediately report to the Department of Human Resources at (410) 778-7298 department no later than the next business day after learning of the arrest or conviction.

i. Falsification of Background Check or Failure to Self-Report

If any Program Organizer or Program Staff member negligently, recklessly, or willfully falsifies any portion of his/her/their background check information, or that of any other Program Staff member, and/or fails to abide by the self-reporting requirements of this Policy, such falsification shall be grounds for termination of the Program for cause and a future ban on use of College property or facilities by that Program Organizer or Program Staff member. If a Program Organizer or Program Staff member who is also an employee or independent contractor of the College negligently, recklessly, or willfully falsifies any portion of his/her/their background check information or the information of any other person, it shall be grounds for discipline, up to and including termination.

- j. Program Organizers and Program Staff must report** knowledge or suspicion of Abuse or Neglect of a Minor to the appropriate state authorities as described in *section IV.* of this Policy.

VI. Policy Standards and Procedures for Third Parties

- a. Washington College's Conference Services** department must be contacted by any Third Party wanting to host a Program on College property. (For purposes of this Policy, Third

Parties include College employees and other members of the College community as well as unrelated individuals or organizations that wish to host a Program that is **not** sponsored by the College.) All policies and procedures under Conference Services management are to be followed in addition to those described below in this Policy.

- b. **Third Parties must certify in writing**, to Conference Services, their compliance with the following:
 - i) All Program Staff working their event have completed a successful criminal background check valid within 5 years from the date of the Program;
 - ii) All Program Staff working the event have been trained in protecting minors from abuse and neglect; and
 - iii) All Program Staff are expected to observe the standards of conduct described in section V(f)(ii).
- c. **Insurance:** Consistent with language stated in rental agreements/contracts via Washington College's Conference Services: Any Program Organizer wishing to rent/use Washington College's facilities for an event with Minors as Participants will be required to carry the following insurance coverage: Sexual Abuse or Molestation (SAM) coverage with a minimum policy limit of \$1,000,000.00. Each group must provide Washington College with a certificate of insurance verifying this required coverage 30 days prior to the start of the Program.
- d. **All Greek Life chapters** and organizations permitted to be on/in College property are required to comply with the SAM insurance requirements stated in this Policy for any events with Minors as Participants.
- e. **Program Organizers and Program Staff must report** knowledge or suspicion of Abuse or Neglect of a Minor to the appropriate state authorities as described in section IV. of this Policy.

APPENDIX A

WASHINGTON COLLEGE REGISTRATION FORM – MINORS ON CAMPUS

Please complete the form in its entirety and return to: Susan Groff, Ed.D., Investment & Risk Manager @ sgroff2@washcoll.edu by SIXTY (60) BUSINESS DAYS PRIOR TO THE START OF THE PROGRAM.

Name of Program:

Type of Program (day, overnight, residential, online, etc.):

Dates and Hours of the Program (be specific):

Program Organizer Name and Contact Information (phone, address and email address):

Anticipated Number of Participants and their ages (i.e. 7 to 10 yrs old/20; 15 to 17 years old/50):

Will parents/legal guardians be in attendance for the duration of the Program?

Yes ___ or No ___

Anticipated Number of Program Staff and Ages:

APPENDIX C

**Washington College
Certification and Approval of Program Form -Minors on Campus**

A "Program Organizer" is anyone who wishes to sponsor or organize a Program for Minors on Washington College property or use College facilities. **"Program Staff (or Staff)"** means all employees, student workers, volunteers, and/or independent contractors working with a Program that involves Minors. Program Staff ages 14 to 17 must provide certified working papers to the PO.

Name of Program/Dates of Operation on Campus:

Name of Program Organizer (PO):

Email Address of PO:

By checking, I, the "Program Organizer" am verifying the following:

All Program Staff have complied with the College's background check requirements.

All Program Staff have received the required training.

I am in possession of a roster of all Program Staff, which includes the date of the last background check as certified by HR.

All Participants have submitted required permission slips/releases.

I am in possession of a roster of all Participants in the program, and all permission slips/releases.

PO Signature

Date

PO Printed Name

To Be Completed by Authorized College Personnel:

The Program stated above is approved to operate on Washington College's campus during the time period stated above.

College Authority

Date