
Chapter: Facilities

Modification No. 001

Subject: **Protection of Minors**

- 1 I. In matters of child welfare, the College shall place the highest priority on the interests of
2 the minor. Montgomery College is committed to providing a safe environment for minors
3 who participate in College programs and activities. The College endeavors to prevent
4 harm to minors and to take prompt steps to address any harm that may occur. This
5 obligation includes the protection of minors from abuse or neglect, including sexual
6 abuse, and requires prompt and effective response to suspicions of, or observations of
7 abuse or neglect.
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- 9 II. It is the policy of Montgomery College that no employee, student, volunteer, or member
10 of the community shall harm a minor; this prohibition applies to individuals and members
11 of outside groups that may use College facilities, participate in College programs, or
12 otherwise be present on college property. The College will hold accountable any
13 individual within its authority who harms a minor. The College will cooperate with county,
14 state, and federal authorities charged with the protection of minors.
15
- 16 III. Montgomery College expects parents and guardians accompanying minors to supervise
17 minors at all times. College employees are expected to contact and involve government
18 authorities in matters of child welfare through College Security or others as appropriate,
19 except for situations of mandatory reporting of child abuse or neglect, in which reporting
20 to government authorities is required and not optional.
21
- 22 IV. The College will endeavor to protect minors by defining responsibilities of employees,
23 students, volunteers, and those unaffiliated with the College who use College facilities or
24 participate in College programs. Responsibilities may include the following: (i) meeting
25 standards established for programs and activities that serve minors, (ii) participating in
26 awareness training on child abuse and neglect, (iii) establishing effective protocols for
27 dealing with unsupervised minors, (iv) screening, as determined to be appropriate, for
28 employees, students, and volunteers who may have significant interaction with minors,
29 and (v) meeting legal obligations for reporting child abuse and neglect.
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- 31 V. The president is authorized and directed to establish procedures necessary to implement
32 this policy.
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Board Approval: April 28, 2014

Chapter: Facilities

Modification No. 006007

Subject: **Protection of Minors**

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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 the Center for Early Education and Workforce Development and Continuing Education, may implement additional protections to satisfy regulatory guidelines or good practices specific to their situations.

II. Definitions

A. Authorized Adult - an individual who has satisfied the following: completed background screening as specified; completed child abuse course; and listed on the Program Registration form as an individual responsible for supervision.

A-B. Child Abuse¹ - 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-C. Child Neglect² - 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-D. Child Protective Services - Maryland public agency responsible for protecting children from abuse and neglect. Also known as CPS.

D-E. Child Sexual Abuse³ - Any act that involves sexual molestation or exploitation of a child.

E-F. College - Montgomery College.

F-G. Educator - A teacher, professor, staff, or faculty member.

G-H. Human Service Worker - A counselor, social worker, caseworker, probation or parole officer.

¹ 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~~~~however~~, such conduct should be reported to the college to evaluate the applicability of State reporting requirements.

² See footnote 1.

³ See footnote 1.

74 H.I. Mandated Reporter - Under Maryland law, any adult who has reason to believe a
 75 child may have been subjected to abuse or neglect.

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 77 H.J. Minor (Also Child or Youth) - A person under 18 years of age.

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

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 82 III. Reporting Child Abuse or Neglect

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

88
 89 This section explains legally-required reporting to government authorities under Maryland
 90 law. It also explains internal reporting requirements within the College and how to obtain
 91 advice.

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 93 A. Protection for Individuals Making Reports

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

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 100 B. Who Must Make a Report

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

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 109 C. Reporting Child Abuse to Government Authorities

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 111 1. In an emergency, dial 911.
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 113 2. Regardless of whether 911 is contacted, employees must give notice
 114 about the suspected child abuse immediately after forming the suspicion
 115 that abuse occurred to EITHER (a) the local social services department
 116 or (b) the local law enforcement agency. Notice may be oral, except as
 117 provided in section E below. The relevant locality is where the child lives
 118 or where the abuse occurred. In Montgomery County, the appropriate
 119 social services agency is the Child Abuse and Neglect Hotline at 240--
 120 777--4417. For the Montgomery County Department of Police, the non-
 121 emergency number is 301--279--8000.

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 123 D. Reporting Child Neglect to Government Authorities

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 125 1. In an emergency, dial 911.

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2. Regardless of whether 911 is contacted, employees must immediately after forming the suspicion that neglect occurred 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.

F.

~~For minors enrolled in the Dual Enrollment Program fulfill the College's obligation to share information with the student's secondary school in accordance with the College's memoranda of understanding with students from secondary~~

~~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.

- ~~1.~~ ~~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. The Office of Public Safety will ensure compliance with~~

- 176 [the Jeanne Clery Disclosure of Campus Security Policy and Campus](#)
 177 [Crime Statistics Act \(Clery Act\) where applicable.](#)
 178 1. _____
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 180 2. ~~2.~~ [A copy of the written report submitted to government authorities must](#)
 181 [be provided to the College's youth protection coordinator. The record is](#)
 182 [maintained in the event verification of fulfillment of mandatory reporting](#)
 183 [obligations is needed. Reporting to the College's youth protection](#)
 184 [coordinator also enables the College to fulfill obligations to share](#)
 185 [information in connection with the Dual Enrollment Program.](#)
 186 2. _____
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 188 3. ~~3.~~ [If an individual is unsure about whether or how to make a report,](#)
 189 [promptly contact the youth protection coordinator.](#) _____

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 191 H.G. [Disclosure by an Adult of Prior Abuse or Neglect as a Child](#)
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193 An adult may disclose that he or she was abused or neglected as a child. Even if
 194 the event(s) occurred a long time ago, employees are compelled by law to make
 195 a report. If there are concerns, about reporting, please contact the youth
 196 protection coordinator (See Opinion of the Maryland Attorney General dated
 197 December 3, 1993, at 78 Op. Att'y Gen. 189).

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 199 H. [How to Respond to A Disclosure of Child Abuse or Neglect](#)
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201 [It is not the role of any College employee, contractor or volunteer to investigate to](#)
 202 [determine the validity of a report of suspected abuse or neglect. Detailed](#)
 203 [questioning should be avoided as it can cause trauma or compromise an](#)
 204 [investigation. If a minor provides information pertaining to suspected abuse or](#)
 205 [neglect to a College employee, contractor or volunteer, that individual may ask](#)
 206 [limited follow-up questions to assist in obtaining a brief description of the incident](#)
 207 [and injuries, where they occurred, and the name or a description of the alleged](#)
 208 [offender. Individuals receiving reports of suspected abuse or neglect shall not](#)
 209 [interrogate or collect written statements from any alleged victim or witness nor](#)
 210 [shall they confront the alleged offender.](#)

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 212 I. [Internal Investigations](#)
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214 1. [In cases of alleged abuse or neglect by a College employee, the College](#)
 215 [may conduct an internal investigation consistent with all applicable](#)
 216 [College policies and procedures and recommend appropriate discipline.](#)
 217 [The College may conduct an internal investigation even when CWS](#)
 218 [screens out or closes the case without acting because such cases may](#)
 219 [involve violations of College policies. To the extent permitted by law, the](#)
 220 [College's investigations should make use of police reports, statements,](#)
 221 [and other information obtained by external investigators to avoid](#)
 222 [repetitive questioning of alleged victims and witnesses.](#)

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 224 4-2. [Internal investigations may focus on whether appropriate reporting of](#)
 225 [suspected abuse occurred as required by law and this procedure or](#)
 226 [whether an employee failed to meet their reporting obligations.](#)
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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

1. 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. These checks are conducted pursuant to College Policy and Procedure [32101–Employment Practices](#) and as determined by Human Resources and Strategic Talent Management (HRSTM).
2. College employees working with students in credit and noncredit academic courses and programs specifically designed to be delivered to K-12 aged students will undergo Criminal Justice Information Services (CJIS) background screening. This includes the ACES [and](#), Dual Enrollment, [Early and Middle College](#) Programs. This applies equally to those courses being delivered on and off campus, including online.
3. College employees whose primary duties involve working with minors will be required to undergo periodic background checks as determined by the College or applicable requirements.

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.

Subject to resource availability and based on the nature and duration of the volunteer assignment, the College will conduct criminal history checks on volunteers who have contact with minors pursuant to College Policy and Procedure 39002-Volunteers and Interns.
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.

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V. Program Registration and Approval 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 are not subject to Program Registration requirements detailed in this section. To register youth-service programs, program directors and event planners 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.

[Registration forms submitted to the youth protection coordinator outlining proposed College-sponsored events must include documentation that an administrator with authority over the sponsoring unit has approved the proposed event.](#)

A.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.

B.C. Coordinate criminal history checks for current employees with the youth protection coordinator. The youth protection coordinator will notify the program director or event planner whether or not the individual is authorized to have contact with minors. Until the program director or event planner receives this notification, the individual may not have contact with minors in the program.

C.D. Formal and informal youth mentoring programs, internships and job shadowing programs that include minors or interactions with minors must be registered with the youth protection coordinator

D.E. High school outreach and recruitment functions are exempt from the program registration requirement. Instead, as standard operating procedure, all Recruiters will comply with the following:

1. CJIS background screening as a condition of employment;
2. Completion of on-line and ongoing training on identifying and responding to child maltreatment, as defined by the youth protection coordinator;
3. Adhere to behavioral expectations including the Rule of 3;

- 330 4. Provide written notice to attendees that the College does not provide
- 331 supervision at Recruitment events unless otherwise specifically
- 332 indicated; and
- 333
- 334 5. Report immediately any irregular contact with a minor that might be
- 335 construed as problematic or conflicting with the Protection of Minors
- 336 Policy & Procedure.
- 337

338 In the event that a [recruitment program](#) [or event](#) includes providing care, control

339 and custody of minors, the event will follow the normal program registration steps

340 as indicated in the policy.

341

342 [E.F. Public Events are exempt from the Program Registration Process. This applies to](#)

343 [events open to the general public where minors are in the immediate care,](#)

344 [control and custody of parents/guardians. Event organizers should consult with](#)

345 [the youth protection coordinator if they are unsure about the applicability of this](#)

346 [policy to their event.](#)

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348 VI. Behavioral Standards, Training, and Resources

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352 A. ~~A. Rule of Three:~~

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354 The College requires those working with youth not to be alone with a minor

355 before, during, or after the program or activity. The “rule of three,” as it is known,

356 calls for two responsible adults to be present at all times. Any exception to the

357 “rule of three” must be made, in advance, by the supervisor or program director.

358 The College will provide additional guidance on behavioral standards through

359 training, educational resources, and consultation facilitated by the youth

360 protection coordinator.

361

362 B. [Electronic Communications and Social Media](#)

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364 [Electronic communication with minors should be open and transparent. This](#)

365 [includes email, phone, social media, texts and direct messaging. In all cases,](#)

366 [communication should be conducted through College accounts, professional in](#)

367 [nature and constrained to the educational program or activity. Any private](#)

368 [electronic communication outside the scope of the activity or program between](#)

369 [staff or volunteers and minors, including the use of personal social networking](#)

370 [websites, is discouraged.](#)

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372 1. [Group texting is an acceptable, convenient and quick means of](#)

373 [communication. Best practice calls for the use of an app that enables](#)

374 [transparent and open messaging and allows for the personal information](#)

375 [of minors to remain private. Minors should never be required to share](#)

376 [their personal contact information with adults or peers.](#)

377

378 2. [Social media services may be used to engage with minors as long as the](#)

379 [communication happens through a College associated account. At least](#)

380 [two College employees should have access to the account.](#)

381

This section does not apply limitations to electronic communications between faculty and staff with minors enrolled in credit or non-credit courses. The information contained in this section should be viewed as a best practice in such instances.

~~VI.~~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 (8 hours or more) or involving an overnight stay, conduct criminal history checks on all paid staff and volunteers. Outside programs must certify to the College that the outside group’s staff and volunteers have satisfactory results from a completed criminal history check. 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.

Exemptions to the background screening requirement can be made at the discretion of the youth protection coordinator. One common exception will be for a single rehearsal and a single performance in one of the College’s performing arts facilities, where the addition of the rehearsal triggers the background screening requirement.
- 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.

~~VII.~~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

- 434 their full attention to College business. The employee retains full responsibility for
 435 supervising the child at all times. Events such as “Bring Your Child to Work Day”
 436 or other activities especially designed to be suitable for children in the workplace
 437 may excuse personal supervision for the event.
 438
- 439 B. Students should make childcare arrangements for periods when they will be on
 440 campus. In an occasional emergency situation, and only with permission of the
 441 instructor, a student may bring a child to class provided that the situation does
 442 not interfere with other students’ educational experience. If the instructor does
 443 not grant permission for the child to be present, the student must remove the
 444 child from College premises.
 445
- 446 C. Supervised children accompanied by responsible adults may be invited to
 447 participate in public activities organized and sponsored by the College. Except for
 448 specially planned public activities and supervised youth activities, no minors are
 449 permitted in a College laboratory or any other area or activity posing special risks
 450 to minors. No children, whether supervised or unsupervised, are permitted on
 451 construction sites, in maintenance facilities, or other areas where their presence
 452 constitutes a danger to themselves or others.
 453
- 454 D. The College is not responsible for unaccompanied minors who are not
 455 participating in a structured program or activity. If a minor on College premises
 456 appears to be unaccompanied and in need of supervision (for example should an
 457 emergency arise), staff will contact the College Department of Public Safety and
 458 Emergency Management. Public Safety staff will temporarily supervise the minor
 459 and may, in their discretion, contact law enforcement or child protection
 460 authorities.
 461
- 462 E. The College may require vendors and contractors to meet requirements of this
 463 policy including, among others, reporting obligations, criminal history checks,
 464 training, and adherence to behavioral standards.
 465
- 466 F. The College is not responsible for injuries to children who are on College
 467 premises in violation of these procedural guidelines.
 468
- 469 G. Students and employees who violate these procedures may be subject to
 470 disciplinary action and other appropriate sanctions by the College in accordance
 471 with normal processes.
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473 ~~VIII.X.~~ ~~IX.~~ Interpretations and Exemptions

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 475 The youth protection coordinator is authorized to interpret and grant specific exemptions
 476 to the application of these procedures.- The youth protection coordinator must maintain a
 477 record of any such interpretations and exemptions, and on a regular basis (monthly
 478 unless otherwise requested by the president) furnish a copy of this record to the
 479 president and the general counsel.
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 482 Administrative Approval: July 29, 2004; June 10, 2013, April 28, 2014 (administrative correction
 483 only); February 23, 2015; November 27, 2017; October 18, 2019, DATE