



Policy on the Safety of Children in University Programs

The University is committed to providing a secure environment for children in University programs. This Policy reaffirms that commitment and addresses the obligation to report known or suspected abuse or neglect of a child under applicable law. A child, for the purpose of this Policy, is any person under the age of 18 years. This Policy also sets forth certain screening, training and conduct requirements for programs that serve children.

I. Reporting of Known or Suspected Child Abuse or Neglect

University faculty, staff, students and volunteers (and contractors covered by Section II below) are required to comply with all applicable laws and regulations on the reporting of child abuse and neglect. While the laws vary from jurisdiction to jurisdiction, Maryland law generally requires that any person who "has reason to believe" that a child has been subjected to abuse or neglect, including sexual abuse, must report this abuse or neglect to the [local Department of Social Services Child Protective Services](#) or the appropriate law enforcement agency. For details on the form, content, timing and submission of the report, please see Md. Code Ann., Family Law, Title 5, Subtitle 7 and COMAR 07.02.07 available at <http://mlis.state.md.us> and <http://www.dsd.state.md.us/comar/>. In certain instances, the laws and regulations of another jurisdiction or jurisdictions may apply and reports may need to be made in more than one jurisdiction. For information on jurisdiction-specific legal reporting requirements, please visit http://www.childwelfare.gov/systemwide/laws_policies/state/index.cfm?event=stateStatutes.showSearchForm and http://www.childwelfare.gov/pubs/reslist/rl_dsp.cfm?rs_id=5&rate_chno=W-00082. An individual is obligated to report irrespective of whether he or she is employed by or participates in a program that serves children.

In addition to making a report to the appropriate governmental entity, the person making the report must also promptly notify the University Office of the General Counsel. The requirement to notify the Office of the General Counsel does not extend to clinical faculty and staff who are obligated to report under established clinical procedures. On receiving a report of child abuse or neglect, the University will take immediate steps to assure the safety of children and comply with all applicable legal reporting requirements.

Questions regarding reporting obligations or the circumstances under which a report is required may be addressed to the University Office of the General Counsel. The University also maintains a hotline for persons to notify (anonymously, if they prefer) the University about suspected abuse or neglect of a child, including sexual abuse or misconduct, and to direct questions regarding reporting obligations.

See http://hrnt.jhu.edu/policies/compliance_line.cfm.

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.

The confidentiality of a report of suspected child abuse or neglect, including the identity of the person making the report, the person suspected of abuse or neglect, and the child who may have been abused or neglected, will be protected consistent with the University's obligations under and the requirements of applicable laws and regulations.

II. Requirements for University Programs and Programs Conducted on University Premises

In addition to the reporting obligations set forth above, this Policy sets forth screening, training and conduct requirements for University affiliated programs and programs conducted on University premises or with University resources, regardless of University affiliation.

A. Covered Programs

"Covered programs" are University programs, activities, workshops, laboratories, and events, whether for academic, athletic, recreational or other purposes and whether on or off University premises, that serve children. By way of example, covered programs include, but are not limited to, day and overnight camps of any nature for children, including camps conducted by University athletic coaches, schools operated by the University, early childhood centers, and instructional activities involving children. Camps and 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 children conducted or provided by an outside entity or contractor on University premises or that are conducted or provided on behalf of or for the University or a covered program are also covered programs. Such entities/contractors must be required by contract to comply with this Policy, and to demonstrate that the appropriate screening and training in accordance with Sections II.B and II.C of this Policy have been conducted prior to commencing services.

Covered programs do not include any University undergraduate or graduate 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 further do not include University events such as fairs, festivals, or other events that are open to people

of all age groups, but at or in which children may be present or participate, or University events at which children will be accompanied at all times by their parent or legal guardian. With respect to these types of programs and events, the director or head of or official responsible for the program or event may determine that these programs or events are covered programs.

B. Screening Requirements

All persons (including faculty, staff, and students) that are employed by the University to work in a covered program are subject to the screening requirements described in this Section. Persons who are employed to work in covered programs generally include persons who care for, supervise, work with, or otherwise have access to or contact with children through these programs. The screening will generally, at a minimum, include fingerprinting and 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. The director or head of a covered program may in his or her discretion require volunteers to be screened. Additional circumstances that may necessitate the screening of volunteers include requirements under applicable laws or regulations, or contractual obligations.

The director or head of or official responsible for the covered program may, in addition to the initial screening, require screening at regular intervals based on the nature of the program, requirements under applicable law, contractual obligations, or other relevant factors. It is the responsibility of the director or head of a covered program to assure that all employees and other persons (if required) have been screened as required and have subsequently been cleared to work or participate in the covered program.

Should the initial or subsequent screening indicate a criminal record, the director or head of the covered program, after consulting human resources and/or the Office of the General Counsel, will determine whether to hire or retain the person or whether he or she may participate in a covered program. All screening will be conducted, and all information and results will be used, in accordance with applicable laws and regulations, and applicable University, divisional and unit policies and procedures.

C. Training Requirements

Covered programs will require all employees and other persons participating in or serving such programs to participate in mandatory training on the appropriate conduct around children, protecting children from abuse and neglect, and reporting of known or suspected child abuse and neglect. To arrange for training please contact childsafety@jhu.edu.

D. Conduct Requirements

Persons working for, participating in or involved with a covered program may not in connection with the program:

- Engage in abusive conduct of any kind toward, or in the presence of, a child;

- Administer corporal punishment to, or touch in an inappropriate or illegal manner, any child;
- Engage in the use of tobacco, alcohol or illegal drugs in the presence or vicinity of children; and
- Have in their possession or produce, access or give children access to, or make available to children, any inappropriate sexually explicit images, material or media.

The University recognizes that except as may be authorized by a divisional head 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. The director or head of a covered program for which such one-on-one time is so authorized must structure the program so as to permit observation at all times. 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 rules of conduct may be adopted at the divisional or program level based on the nature of the program, requirements under applicable law and regulations, contractual obligations, and other relevant factors.

Any person who suspects or becomes aware of a violation of these or other applicable conduct requirements must immediately report it to the University Office of the General Counsel. Notifying the University does not satisfy legal reporting obligations, which generally require that a report of child abuse or neglect be made to the local law enforcement or child protective agency (see Section I above). For information on jurisdiction-specific legal reporting requirements, please visit http://www.childwelfare.gov/systemwide/laws_policies/state/index.cfm?event=stateStatutes.showSearchForm and http://www.childwelfare.gov/pubs/reslist/rl_dsp.cfm?rs_id=5&rate_chno=W-00082. On receiving a report or otherwise becoming aware of such a violation, the University will take immediate steps to assure the safety of children and to comply with all applicable legal reporting requirements.

Any University administrator or 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.

III. Questions Regarding this Policy

Questions regarding this Policy may be directed to the University Office of the General Counsel. *Effective Date: June 4, 2012*

Maryland Appendix To The Johns Hopkins University Policy on the Safety of Children in University Programs

Child Abuse and Neglect Reporting Requirements in Maryland

I. Definition of Child

For the purpose of this Maryland Appendix, a **child** is any person under the age of 18 years.

II. Obligation to Report Child Abuse and Neglect

A. What constitutes abuse and neglect of a child?

In Maryland, **child abuse** may be the **physical injury**, **mental injury** or **sexual abuse** of a child in one or more of the following three situations:

(1) The **physical injury** of a child, whether visible or not, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed, by:

- any parent,
- any person who has permanent or temporary care or custody or responsibility for supervision of the child,
- any household member (i.e., a person living with or having a regular presence in the child's home when the alleged abuse or neglect occurred), or
- any family member (i.e., the child's relative by blood, adoption or marriage).

or

(2) The **mental injury** (i.e., the observable, identifiable, and substantial impairment of the mental or psychological ability to function) of a child, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed, by:

- any parent,
- any person who has permanent or temporary care or custody or responsibility for supervision of the child,
- any household member (i.e., a person living with or having a regular presence in the child's home when the alleged abuse or neglect occurred), or
- any family member (i.e., the child's relative by blood, adoption or marriage).

or

(3) The **sexual abuse** (i.e., any act that involves sexual molestation or exploitation) of a child, whether physical injuries are sustained or not, by:

- any parent,
- any person who has permanent or temporary care or custody or responsibility for supervision of the child,
- any household member (i.e., a person living with or having a regular presence in the child's home when the alleged abuse or neglect occurred), or
- any family member (i.e., the child's relative by blood, adoption or marriage).

Examples **of sexual abuse** include, but are not limited to:

- sexual crime in any degree, including incest, rape, or sodomy
- human trafficking
- sexual contact or conduct with a child
- sexual advances
- exposure
- voyeurism
- kissing
- fondling
- unnatural or perverted sexual practices
- allowing or encouraging a child to engage in obscene or pornographic photography, films, poses or similar activity, or depicting a child in an illegal manner
- allowing or encouraging a child to engage in prostitution

In Maryland, **child neglect** occurs when any parent or any person who has permanent or temporary care or custody or responsibility for supervision of a child:

- Leaves the child unattended; or
- Fails to give the child given proper care and attention; or
- Gives the child improper care and attention;

under circumstances that indicate that the child's health or welfare is harmed or placed at substantial risk of harm, or the child's mental injury or a substantial risk of mental injury

(i.e., the observable, identifiable, and substantial impairment of the child's mental or psychological ability to function).

Examples of improper care and attention include, but are not limited to:

- The failure to provide care appropriate to the child's needs and development.
- The failure to provide food, clothing, shelter, medical care, nurturing, activity, guardianship, or supervision.
- The failure to care and plan for the child's welfare.

B. When is reporting of child abuse or neglect mandatory?

If you have a **reason to believe that a child has been subjected to abuse or neglect**, you **must** make a report as provided herein if the:

- The abuse or neglect allegedly occurred in Maryland,
- Child lives in Maryland (regardless of where the abuse or neglect allegedly occurred), or
- The abuse or neglect allegedly occurred outside of Maryland and the victim is currently a child who lives outside of Maryland.

C. When and where do I make my reports?

If you are a **professional employee of the University, or a health practitioner, human service worker, or police officer, acting in your professional capacity (collectively, "professional employees")**, you must make the following reports within 48 hours after the contact, examination, attention, or treatment that caused you to believe that the child has been subjected to abuse or neglect:

(1) An **oral report**, by telephone or direct communication to either:

- the appropriate State, county, or municipal police department, bureau, or agency, sheriff's office, State's Attorney's office, or the Attorney General's office, or
- the city or county Department of Social Services Child Protective Services where the child resides or the abuse or neglect allegedly occurred, or if neither location is known, the Baltimore City Department of Social Services. Contact information for the local Departments of Social Services Child Protective Services is available at <http://dhr.maryland.gov/cps/address.php>.

(2) A **written report** to the appropriate local Department of Social Services Child Protective Services as specified in (1) above.

(3) A **copy of the written report** to the local State's Attorney's office (unless the abuse or neglect allegedly occurred outside of Maryland and the victim is currently a child who lives outside Maryland).

(4) The University Policy on the Safety of Children in University Programs requires the University Office of the General Counsel to be promptly notified of any governmental report made, subject to the limited exceptions for clinical faculty and staff who are obligated to report under established clinical procedures. **If you are acting as an employee of the University**, you must not only immediately notify, but must also provide a copy of your report to, the University Office of the General Counsel.

If you are not a professional employee, you must file **either an oral or written report** under (1) or (2) above within 48 hours after the contact, examination, attention, or treatment that caused you to believe that the child has been subjected to abuse or neglect. If you are not a professional employee, you need not make a report in instances where making the report would violate any constitutional right to assistance of counsel, any privilege relating to attorney-client communications, or any privilege relating to communications made to a minister, clergyman or priest who is bound to maintain confidentiality of these communications under canon law, church doctrine, or practice.

You must report suspected child abuse or neglect even when the abuse or neglect occurred in the past and the alleged victim is an adult or the person suspected of child abuse or neglect is believed to be deceased when the incident comes to light.

D. Are there circumstances in which reporting is permissible?

You may make an oral or written report to the local law enforcement agency or Department of Social Services Child Protective Services described in Sections C.(1) or C.(2) above if:

(1) You have a reason to believe that a parent, guardian, or caregiver of the child allows the child to reside with or be in the regular presence of a person (who is not the child's parent or guardian),

(2) This person is a *registered child sex offender* under Title 11, Subtitle 7 of the Criminal Procedure Article of the Maryland Code, and

(3) Based on additional information, poses a substantial risk of sexual abuse to the child.

The University Policy on the Safety of Children in University Programs requires the University Office of the General Counsel to be promptly notified of any governmental report made, subject to the limited exceptions for clinical faculty and staff who are obligated to report under established clinical procedures. **If you are acting as an employee of the University**, you must not only immediately notify, but must also provide a copy of your report to, the University Office of the General Counsel.

E. What should I include in my report?

A report must include as far as is reasonably possible all of the following information:

- Name, age, and home address of the child.
- Name and home address of the child's parent or other person who is responsible for the child's care.
- Present location of the child.
- Nature and extent of the suspected abuse or neglect of the child, including any evidence or information available to you concerning possible previous instances of abuse or neglect.
- Information that would help to determine the cause of the suspected abuse or neglect.
- Information that would help to determine the *identity* of any person suspected to be responsible for the abuse or neglect.

F. What additional protections do I have when I make a report?

Under Maryland law, any person who in good faith makes or participates in making reports 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.

G. What if I suspect abuse or neglect of a child outside of Maryland?

Under Maryland law if the suspected child abuse or neglect occurred outside Maryland and the victim is currently a child who lives outside Maryland, you must still make a report as provided in Section C above.

Jurisdictions other than Maryland may and often do have their own legal reporting requirements. For questions regarding reporting obligations or the circumstances under which a report is required in other jurisdictions, the University Office of the General Counsel should be contacted. For further information on State-specific reporting requirements, please visit: http://www.childwelfare.gov/systemwide/laws_policies/state/index.cfm?event=stateStatutes.showSearchForm and http://www.childwelfare.gov/pubs/reslist/rl_dsp.cfm?rs_id=5&rate_chno=W-00082.

III. Questions

If you have questions regarding your reporting obligations and the circumstances under which a report is required, you may contact the appropriate [local Department of Social Services Child Protective Services](#) or the University Office of the General Counsel.

The resources below provide further details on the form, content, timing and submission of reports of child abuse and neglect in Maryland.

- Md. Code Ann., Family Law, Title 5, Subtitle 7
<http://mlis.state.md.us/>; (click on "Maryland Statutes" and then on "Maryland Code Online")
- COMAR 07.02.07
<http://www.dsd.state.md.us/comar/>
- Maryland Department of Human Resources Child Protective Services
<http://www.dhr.state.md.us/cps/report.php>