



Safety of Children in University Programs

Guideline: OPS301
Responsible Executive: Vice President
and General Counsel
Responsible Office: Office of General
Counsel
Approved by: Senior Planning Group
Effective: 09/12/2017
Last Revised: N/A

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Policy Statement

University faculty, staff, students, volunteers, and contractors are required to comply with all applicable federal, state and international laws and regulations on the reporting of child abuse and neglect. A person is obligated to report in compliance with all applicable laws and regulations irrespective of whether he or she is employed by or participates in a “covered program” (defined below).

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 (whether physical, mental or sexual) or neglect must report this abuse or neglect to the local Department of Social Services Child Protective Services¹ or the appropriate law enforcement agency. For details on the form, content, timing and submission of the report, please see the Appendix² hereto.

In certain instances, the laws and regulations of another United States³ or international jurisdiction(s) may apply, and reports may need to be made in more than one jurisdiction. Outside the United States, reporting requirements vary considerably from jurisdiction to jurisdiction, and certain jurisdictions may not have any legal reporting requirements.

¹ For a listing of Maryland Department of Social Services Child Protection Services, please visit <http://dhr.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/local-offices/>.

² The Appendix hereto reflects the requirements of 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/ComarHome.html>, respectively.

³ For information on United States jurisdiction-specific legal reporting requirements, please visit: http://www.childwelfare.gov/systemwide/laws_policies/state/index.cfm?event=stateStatutes.showSearchForm. For a list of state toll-free child abuse reporting telephone numbers in the United States, please visit <http://dhr.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/local-offices/#state>.

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Who Is Governed By This Policy

All units of the university, including University faculty, staff, students, volunteers, or contractors.

Policy Purpose

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 (as defined below) under applicable law. This Policy also sets forth screening, training and conduct requirements for “covered programs,” which are defined below.

Definitions

Child	Any person under the age of 18 years
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Policy

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 federal, state and international laws and regulations on the reporting of child abuse and neglect.

A person is obligated to report in compliance with all applicable laws and regulations irrespective of whether he or she is employed by or participates in a “covered program” (defined below).

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 (whether physical, mental or sexual) or neglect must report this abuse or neglect to the local Department of Social Services Child Protective Services⁴ or the appropriate law enforcement agency. For details on the form, content, timing and submission of the report, please see the Appendix⁵ hereto.

In certain instances, the laws and regulations of another United States⁶ or international jurisdiction(s) may apply, and reports may need to be made in more than one jurisdiction. Outside the United States, reporting requirements vary considerably from jurisdiction to jurisdiction, and certain jurisdictions may not have any legal reporting requirements.

In addition to making a report to the appropriate governmental agency, the person making the report must also promptly notify the University Office of the General Counsel (“OGC”). The requirement to notify the OGC does not extend to clinical faculty and staff who are obligated to report under established clinical procedures. JHU staff and faculty must also provide a copy of the report to the OGC. The obligation to provide a copy of the report to the OGC shall not apply to licensed counselors, social workers and similarly situated employees who are bound by law to protect patient confidentiality; these staff shall however file both oral and written

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reports with the appropriate governmental agency as directed above, and notify the OGC that such reports have been filed.

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. When the reasonable possibility of discovery of child abuse or neglect is known or anticipated ahead of time (for example, in the context of research involving children), the general approach to reporting should be proactively developed by the respective school, division, program or unit as the case may be

The University also maintains a hotline⁷ for persons to notify (anonymously, if they prefer) the University about compliance concerns, including suspected abuse or neglect of a child (including sexual abuse or misconduct), and to direct questions regarding reporting obligations.

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, internships, research, and events, whether for academic, athletic, recreational or other purposes, whether on or off University premises, and whether domestic or international, that serve or involve children. Such programs also include those in leased facilities, and also include time during travel when that travel is done as an active part and under the auspices of a covered program.

Covered programs include, but are not limited to, the summer jobs program, summer and other internship programs, day and overnight camps of any nature for children, including camps conducted by University athletic coaches, K-12 schools and early childhood centers operated by the University, 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.

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Programs or services that serve or involve children that are 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 also do not include any University non-academic credit-bearing programs targeted at adult learners. The foregoing exclusions are intended to apply in those occasional cases of the presence of a minor in an academic setting whose primary intent is not for minors per se. 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.

B. Screening Requirements

All persons (including but not limited to faculty, staff, and students) that serve a covered program, either as employees of that program or volunteers must receive a criminal background check and subsequently be cleared to work or participate in the covered program as described in this Section. Persons who serve covered programs generally include persons who care for, supervise, work with, or otherwise have access to or contact with children through these programs.

All criminal background checks will be administered under the purview of Human Resources. The criminal background check will be conducted using non-biometric data such as the person's name and current and past addresses, except for when fingerprinting is required under Maryland law⁸ or other applicable laws as determined on a program-by-program basis. In Maryland, programs for which fingerprinting is required include but are not limited to: a day or residential camp primarily serving minors, a child care center, or a public, nonpublic or private school, as such terms are defined under applicable statutory and regulatory provisions.⁹

Criminal background checks must have been conducted within the five years prior to the first date of service in a covered program, otherwise a new check must be conducted. Subsequently, criminal background checks must be repeated every five years.

This Policy acknowledges that there may be additional or different state and international legal requirements in screening and reporting obligations. In instances where a criminal background check is not available (which may be the case in certain international jurisdictions), a background screening will nonetheless be conducted that will assess all available pertinent information to ensure the fitness of the employee to work or volunteer for a covered program.

The director or head of a covered program may, in addition to the initial (and interval) screening specified above, require additional screening or screening at shorter intervals based on the nature of the program, requirements under applicable law, contractual obligations, or other relevant factors. It

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is the responsibility of the director or head of a covered program to assure that all required employees, volunteers, contractors, and other persons 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 OGC, 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.

1. JHU and JHH employees and students can log into the training with their JHEDs through this [link](#), or via myLearning through my.jh.edu (navigate to education, then to myLearning, and then search for the course titled "Training on the Safety of Children in University Programs"). The training is hosted by myLearning and requires that pop-up blockers are disabled.
2. Non-JHU or Non-JHH affiliates can access the training through this [training login](#). Once there, please complete the required information and select the appropriate Location/Division.
3. For technical assistance and/or log-in assistance, please submit a request to support@workplaceanswers.com.
4. For substantive training questions, please email ois@jh.edu or contact the Office of General Counsel.

III. Conduct Requirements

Persons serving, 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.

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Any person who suspects or becomes aware of a violation of these or other applicable conduct requirements must immediately report it to the OGC. 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).

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.

IV. Responsibility for Compliance with this Policy/Questions About Policy

This Policy vests responsibility for compliance with its requirements, including without limitation as pertaining to the reporting of suspected child abuse or neglect, and adhering to the additional requirements for covered programs with respect to screening, training, and conduct rules with the director or head of the program. These persons are further responsible for understanding and complying with differing federal, state and/or international requirements related to reporting and screening, and implementing protocols to comply with such requirements. If there are questions regarding this Policy, including without limitation questions regarding reporting obligations or the circumstances under which a report is required, screening requirements, or whether a given activity is or is not a covered program, please contact the OGC.

⁴ For a listing of Maryland Department of Social Services Child Protection Services, please visit <http://dhr.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/local-offices/>.

⁵ The Appendix hereto reflects the requirements of 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/ComarHome.html>, respectively.

⁶ For information on United States jurisdiction-specific legal reporting requirements, please visit: http://www.childwelfare.gov/systemwide/laws_policies/state/index.cfm?event=stateStatutes.showSearchForm. For a list of state toll-free child abuse reporting telephone numbers in the United States, please visit <http://dhr.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/local-offices/#state>.

⁷ <https://johnshopkinsspeak2us.tnwreports.com/> or 1-844-SPEAK2US (1-844-773-2528).

⁸ Md. Code Ann., Family Law, Title 5, Subtitle 5 and related regulations.

⁹ A “day or residential camp” is defined in Title 10, Subtitle 16 of the Code of Maryland Regulations; a “public school” as defined in Title 1 of the Education Article; a “private or nonpublic school” required to report annually to the State Board of Education is defined under Title 2 of the Education Article and a “child care center” is defined under Title 9.5, Subtitle 4 of the Education Article. See Md. Code Ann., Fam. Law § 5-551.

Policy Enforcement

Violations	<p>Failure of any University faculty, staff, students, volunteers, or contractors to comply with all applicable federal, state and international laws and regulations on the reporting of child abuse and neglect, or otherwise failing to adhere to the reporting requirements outlined in this Policy is an explicit violation of this Policy.</p> <p>Failure of any University faculty, staff, students, volunteers, or contractors to comply with all screening, training and conduct requirements for “covered programs” set forth under this Policy or otherwise failing to follow the requirements outlined in this Policy is an explicit violation of this policy.</p>
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Enforcement	<p>The University will investigate suspected violations, and may recommend disciplinary action in accordance with University codes of conduct, policies, or applicable laws. Sanctions may include one or more of the following:</p> <ul style="list-style-type: none"> • Suspension, termination of access, loss of funding, and/or and other disciplinary action up to and including termination of employment; • student discipline in accordance with applicable University policy; • civil or criminal penalties;
Reporting Violations	<p>For details on <i>Reporting of Known or Suspected Child Abuse or Neglect</i>, see <u>Section I</u> of this policy.</p> <p>All other violations regarding adherence to screening, training, and conduct requirements under this Policy may be reported to The Office of the Vice President and General Counsel.</p>

Related Resources

External Resources
<p>Local Departments of Social Services Child Protective Services: http://dhr.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/</p> <p>Washington, D.C. Child and Family Services Agency: https://cfsa.dc.gov/service/report-child-abuse-and-neglect</p> <p>Md. Code Ann., Family Law, Title 5, Subtitle 7: http://mlis.state.md.us/; click on “Maryland Statutes” and then on “Maryland Code Online”</p> <p>Code of the District of Columbia, Chapter 13. Child Abuse and Neglect: https://beta.code.dccouncil.us/dc/council/code/titles/4/chapters/13/</p> <p>COMAR 07.02.07: http://www.dsd.state.md.us/COMAR/ComarHome.html</p> <p>Code of the District of Columbia: https://beta.code.dccouncil.us/dc/council/code/</p> <p>Maryland Department of Human Resources Child Protective Services Mandated Reporters: http://dhr.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/mandated-reporters/</p> <p>Washington D.C. Child and Family Services Agency Mandated Reporter Resources and Training: https://dc.mandatedreporter.org/pages/Welcome.action</p> <p>United States jurisdiction specific reporting requirements: http://www.childwelfare.gov/systemwide/laws_policies/state/index.cfm?event=stateStatutes.showSearchForm.</p> <p>For a list of state toll-free child abuse reporting telephone numbers in the United States: http://dhr.maryland.gov/child-protective-services/reporting-suspected-child-abuse-or-neglect/local-offices/#state.</p>
University Forms and Systems

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<https://johnshopkinsspeak2us.tnwreports.com/> or 1-844-SPEAK2US (1-844-773-2528)

Contacts

Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Policy Clarification and Interpretation	Office of the Vice President and General Counsel	(410) 516-8128	http://web.jhu.edu/administration/general_counsel/
Background Checks (School of Medicine, School of Nursing, Bloomberg School of Public Health)	Kimberly Myers, Talent Acquisition Manager	(410) 955-2990	kmyers19@jhu.edu
Background Checks (all other campuses)	Jonathan Thompson, Talent Acquisition Manager, Central Human Resources	(443) 997-5008	jthomp95@jhu.edu
Mandatory Training	Office of Institutional Equity	(410) 516-4072	childsafety@jhu.edu or oie@jhu.edu

Approved By

Board of Trustees