

PROTECTION OF CHILDREN POLICY

Introduction

The purpose of this Policy is to fulfil King's College's moral and legal obligations to protect minor children as vulnerable members of society, and to reflect the rules and obligations set forth in Pennsylvania's Child Protective Services Law (23 Pa.C.S. §6301 *et seq.*) for reporting suspected child abuse. A child or minor child is defined as someone 17 years of age and under.

Child abuse is a violation of the law. While reprehensible in any context, child abuse is a matter of particular concern in an academic community in which students, faculty, and staff are connected by strong bonds of dependence and trust.

Under Pennsylvania law, *all King's College employees* have a **mandatory** obligation to report suspected child abuse to child protective services. In addition, under this Policy, *all King's College students* have a **mandatory** obligation to report suspected child abuse to child protective services.

The information provided in this Policy provides information about identifying child abuse, outlines who must report suspected child abuse, and details when and how such a report must be made. Any questions about this Policy should be referred to Rev. Thomas Looney, CSC, at 570-208-5836.

1. Who Must Report

King's College requires all employees and all students, as a condition of employment and enrollment, to report suspected child abuse. For purposes of this policy, the meanings of employees and students should be interpreted broadly to include: full-time and part-time employees of the College; adjunct faculty members; contracted employees of the College; and, full-time and part-time students enrolled at the College.

2. Duty to Report to Child Protective Services

All King's College employees and students are required as mandatory reporters to follow the procedures outlined in this document under the following circumstances: 1) the report received alleges that a child (17 years of age or under), either the person making the report itself or about whom the report is being made, *is* presently being or had been abused in the past regardless of the time that has elapsed since the alleged abuse; or 2) the report received from an adult (18 years of age and older), who reports having been abused as a child, indicates that other children (17 years of age and under) are presently in danger due to the same or similar circumstances of abuse. This indication may be grounded, for example, in the reporter's own alleged abuse in the same or similar circumstances.

It is not mandated by law that the report of an adult (18 years of age or older) of their own past child abuse be reported. However, all King's College employees and students, who receive reports from adults of past child abuse, are to encourage the adult to report the abuse themselves, to offer to assist the adult in reporting the past abuse, and to inform the adult about available counseling on campus.

If the child suspected of being abused is in immediate danger, call 911.

a. Employees

Under Pennsylvania state law, all College employees are required to **immediately** make a report to ChildLine if s/he has reasonable cause to suspect that a child is the victim of child abuse when:

1. the employee comes into contact with the child in the course of employment, occupation and practice of a profession, or through a regularly scheduled program, activity or service;
2. the employee is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with a school or regularly established church or religious organization that is directly responsible for the care, supervision, guidance or training of the child;
3. a person makes a specific disclosure to the employee that an identifiable child is the victim of child abuse; or,
4. an individual 14 years of age or older makes a specific disclosure to the employee that the individual has committed child abuse.

b. Students

Under College policy, all students are also required to immediately make a report to ChildLine if s/he has reasonable cause to suspect that a child is the victim of child abuse.

3. Duty to Report to the College

After making a report to ChildLine, both employees and students are **also required to immediately thereafter** report the suspected abuse to the King's College Executive Director of Campus Safety and Security. The Executive Director of Campus Safety and Security has the obligation to facilitate the cooperation of the College with the investigation of the report.

4. Reasonable Cause to Suspect

Reasonable cause may be based on the employee/student's own observations or knowledge, or on information shared with the employee/student by the child or any other individual.

Reasonable cause to suspect is a very low threshold. It does not require proof, nor actual evidence, and the employee/student should not seek to investigate the information.

Reasonable cause may exist regardless of whether the date of abuse, the specific nature of the act, or the identity of the perpetrator is known.

When in doubt about whether to make a report, the employee/student should err on the side of reporting the conduct of concern. The College's Child Safety Protection Coordinator may be consulted for support in discerning whether or not there is reasonable cause to suspect abuse. The Child Safety Protection Coordinator (see Section 12 below) will not discourage a person from reporting, but simply clarifies the grounds for reporting. The responsibility to report remains the responsibility of the individual employee or student.

5. Definition of Child Abuse

Pennsylvania law defines child abuse broadly to include intentionally, knowingly or recklessly, through action or inaction:

- a. causing or creating a likelihood of bodily injury (within the past two years);
- b. causing or substantially contributing to serious mental injury (regardless of how long ago the act occurred);
- c. causing or creating a likelihood of sexual abuse or exploitation (regardless of how long ago the act occurred);
- d. causing the death of a child (regardless of how long ago the act occurred);
- e. causing serious physical neglect (repeated, prolonged or egregious failure to supervise a child in a matter consistent with the child's age and abilities, or the failure to provide a child with adequate essentials, including food, shelter or medical care) (regardless of how long ago the act or inaction occurred); and,
- f. fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child (within the past two years).

Child abuse also includes the following acts, if committed within two years of the date of the report, even if they do not result in injury:

- a. kicking, biting, throwing, burning, stabbing or cutting a child in a matter that endangers the child;
- b. unreasonably restraining or confining a child;
- c. forcefully shaking, slapping or striking a child under one year of age;
- d. interfering with the breathing of a child;
- e. leaving a child unsupervised with a registered sex offender or a sexually violent predator;
- f. causing a child to be present during the operation of a methamphetamine laboratory.

6. Responding to a Report

The employee/student should reassure the child and thank him/her for sharing. The employee/student should react as neutrally and empathetically as possible and reassure that the child that s/he has done the right thing by sharing. The employee/student should not panic or overreact to the information disclosed by the child, criticize the child, claim that the child misunderstood what happened, or reinforce a child's belief that s/he is to blame for what happened. As appropriate, remind the child that no one should ask him/her to keep a special secret and that it is okay to tell a trusted adult.

7. Reporting Procedure

The reporting procedures under College policy are the same for employees, who are mandatory reporters under state law, and for students, who are required to make a report under this Policy:

(1) **Contact ChildLine**

If an employee or student has reasonable cause to suspect that a child is a victim of child abuse, s/he must **immediately make a report** of the of suspected child abuse by calling Pennsylvania's ChildLine at 800-932-0313 or by filing a written report at www.compass.state.pa.us/cwis. Note that a report made initially by calling Pennsylvania's ChildLine must be followed by a written report at www.compass.state.pa.us/cwis within 48 hours of the call. Conversely, a report made initially by electronic submission does not need to be followed by a call to ChildLine.

(2) **Contact King's College Executive Director of Campus Safety and Security**

Anyone making a report of suspected child abuse **must also immediately contact** King's College Executive Director of Campus Safety and Security by calling 570-208-5954 or 570-208-5900. The Department of Campus Safety and Security is located on the first floor of Alumni Hall, located on North Main Street. The Executive Director of Campus Safety and Security will confirm with the reporter that the suspected abuse has been reported through ChildLine and/or www.compass.state.pa.us/cwis. While the Executive Director of Campus Safety and Security can assist an employee or student in making a report, there is no requirement that the report be disclosed to the College *before* making the report to ChildLine.

8. College Procedures Upon Receipt of a Report

The Executive Director of Campus Safety and Security or designee will immediately file a verbal report with the Department of Public Welfare's "Child Line" (1-800-932-0313) on behalf of the College. A written report (PA form CY-47) will also be filed with Luzerne County Children and Youth Services within 48 hours of the initial verbal report to DPW. This report should be sent to Luzerne County Children and Youth Services, 111 N. Pennsylvania Ave., Wilkes-Barre, PA, 18701, or faxed to 570-821-7355. PA Form CY-47 may be found online at:

http://services.dpw.state.pa.us/oimpolicymanuals/manuals/bop/ca/103/CY_47.pdf

The Executive Director of Campus Safety and Security or designee will also immediately notify the Wilkes-Barre Police of any suspected crimes.

The Executive Director of Campus Safety and Security will immediately notify the following personnel of all received reports of suspected child abuse, any available information, and any external notifications:

- President of the College, and
- Director of Human Resources (if the alleged abuser is a faculty or staff member) or
- Associate Vice President for Student Affairs and Dean of Students (if the alleged abuser and/or victim is a student)

If one of these positions is vacant, or the person holding the position has a conflict of interest, the President of the College will appoint another member of the administration to act in place of the member with the conflict of interest. If the President has a conflict of interest, the Executive Committee of the Board will act in place of the President.

A potential conflict of interest arises if one of these team members directly supervises the person suspected of abuse, the complainant/victim or person suspected of abuse is a family member, or if they have a personal bias towards or against the complainant/victim or person suspected of abuse.

If the person suspected of abuse is a member of the clergy or of a religious order, the President of the College will report the allegation to the respective religious superior or diocesan bishop under whose authority the individual was assigned to King's College.

The Executive Director of Campus Safety and Security or designee will notify the parents or guardians of the alleged victim, if the parents or guardians of the victim are known to the College, have not already been involved in the reporting and are not the alleged abusers.

Within 48 hours, the Executive Director of Campus Safety and Security or designee will contact the person(s) who filed the original report to confirm that College policy has been followed in reporting the alleged abuse, including the filing of any reports with the Department of Public Welfare.

9. Investigation and Discipline

The Department of Campus Safety and Security will be responsible for any investigative steps warranted by the nature of the report. The Department of Campus Safety and Security will coordinate any investigation with child protective services and/or local law enforcement to assure that the College's review does not interfere with the integrity of any external reviews.

If the allegation of child abuse involves suspected abuse by a current employee or student the College may:

- immediately issue an interim suspension of the employee or student. A decision to issue an interim suspension for an employee without pay is rendered by the Director of Human Resources. A decision to issue an interim suspension to a student is rendered by the Associate Vice President for Student Affairs;
- terminate the employee or expel a student from the College pending the outcome of the investigation by the Office of Campus Safety and Security. A decision to terminate the employee is rendered by the Director of Human Resources. A decision to expel a student is rendered by the Associate Vice President for Student Affairs;
- issue a no trespass order for all College property and events, including off-campus College events. A no trespass order is issued by the Executive Director of Campus Safety and Security.

Upon review of all available information, including reports from the Department of Campus Safety and Security and any external investigations, the Director of Human Resources (for employee-related

concerns) or Associate Vice President for Student Affairs and Dean of Students (for student-related concerns) will render a decision regarding any disciplinary action.

If a disciplinary action is appealed, the President of the College will make the final decision on all disciplinary action against employees and students. If the alleged abuser is the President of the College, the Executive Committee of the Board of Directors shall make the final decision as to any disciplinary action.

If the allegation of child abuse involves suspected abuse by an independent contractor, vendor, visitor, guest or other third party, and the alleged abuse happened on campus or on property owned or leased by the College or poses a threat to the safety of any College student or employee, the Executive Director of Campus Safety and Security will issue a no trespass order to the alleged abuser pending the outcome of any investigations. If the alleged abuser is an independent contractor or employee of an entity with authorization to be on campus, the Executive Director of Campus Safety and Security will also notify that entity of the allegations. Based on a review of all available information, including any internal or external reviews, the Executive Director of Campus Safety and Security may issue a permanent no trespass order and notify the outside entity of the outcome of the College's review.

10. Good Faith Immunity

Persons filing reports of child abuse are guaranteed protection under the law. If a person who has filed an abuse report believes that his or her rights have been violated he or she may commence an action for appropriate relief, if all of the following apply:

- The person is required to report under § 6311 or encouraged to report under §6312;
- The person acted in good faith in making or causing the report of suspected child abuse to be made; and
- The person is discharged from employment or is discriminated against with respect to compensation, hire, tenure, terms, conditions or privileges of employment as a result of making the report of suspected child abuse.

11. Compliance with this Policy

King's College reserves the right to impose sanctions, including and up to termination, for failure to follow this policy. All incidents will be reviewed on a case-by-case basis. Mandated reporters under Pennsylvania law can also face criminal penalties (imprisonment and fines) for willfully failing to report or refer suspected child abuse to ChildLine.

Additionally, anyone impeding or obstructing an investigation into suspected child abuse, or retaliating against anyone involved in the reporting or investigation of suspected child abuse may be in violation of Pennsylvania law or otherwise subject to disciplinary action.

12. Child Safety Protection Committee: The President of the College will appoint members to the Child Safety Protection Committee. *Ex officio* appointees include the Executive Director of Campus Safety and Security, the Associate Vice President of Student Affairs, and the Director of Human Resources. The President may appoint additional members to the committee. He designates one of the committee members as the Child Safety Protection Officer. Committee members will participate in specialized training concerning issues of child safety, child abuse and mandatory reporting guidelines. Each

member of the committee will comply with the College's clearance requirements for those with direct contact with minors.