
Chapter: Public Safety, Health, and Emergency Management

Mod No. 008

Subject: **Protection of Minors**

- I. Montgomery College is committed to providing a safe environment for minors who participate in College-sponsored programs and activities and/or programs held on College property. The College affirms its obligation to prevent harm, including all forms of abuse and neglect, and requires timely and effective responses to any suspicions or observations of such conduct.

- II. It is the policy of the College that no employee, student, volunteer, or member of the community shall harm a minor; this prohibition applies to individuals and members of outside groups that may use College facilities, participate in College programs, or otherwise be present on College property. The College will hold accountable any individual within its authority who harms a minor. The College will cooperate with county, state, and federal authorities charged with the protection of minors.

- III. The College complies with all state reporting requirements related to child abuse or neglect in *Md. Code Regs. 07.02.07.04*, including the provision that any individual who has reason to believe that a child has been abused or neglected shall immediately notify a local law enforcement agency or local department by any available means.

- IV. The Board of Trustees authorizes the president to establish any procedures necessary to implement this policy.

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Subject: **Protection of Minors**

- I. The following procedures set minimum requirements for the protection of minors. However, some units of the College, including the Center for Early Education and educational programs, may implement additional protections to satisfy regulatory guidelines or best practices specific to their situations.
- II. The College is not responsible for unaccompanied minors who are not participating in a structured program or activity. If a minor on College premises appears to be unaccompanied and in need of supervision (for example, should an emergency arise), staff will contact the College Office of Public Safety, Health, and Emergency Management. Public Safety staff will temporarily supervise the minor and may, in their discretion, contact law enforcement or child protection authorities.
- III. The College is not responsible for injuries to children who are on College premises in violation of these procedural guidelines.
- IV. The College may require vendors and contractors to meet requirements of this policy including, among others, reporting obligations, Criminal Background Checks, training, and adherence to behavioral standards.
- V. Students and employees who violate these procedures may be subject to disciplinary action and other appropriate sanctions by the College in accordance with normal processes.
- VI. Definitions
 - A. Authorized Adult: A College employee who has satisfied the following: completed required Criminal Background Check; completed the Youth Protection course administered by the Youth Protection Coordinator; and is listed on the Request for Program Registration form as an individual responsible for supervision.
 - 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.
 - 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.

¹ Pursuant to MD Criminal Law Code § 3-601 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, such conduct should be reported to the college to evaluate the applicability of State reporting requirements.

² See footnote 1

- D. Child Protective Services (CPS): Maryland public agency responsible for protecting children from abuse and neglect.
 - E. Child Sexual Abuse³: Any act that involves sexual molestation or exploitation of a child.
 - F. College Tours: Time-limited activities designed for minors in K-12 schools to explore pathways in higher education by engaging with the College.
 - G. Criminal Background Check: includes, but is not limited to, checks of countywide, federal criminal, and National Sex Offender lists, and additional screenings as appropriate to the position.
 - H. Custody or Supervision: exists when Authorized Adults or Responsible Adults have responsibility for the safety and well-being of minors.
 - I. Student: a person currently matriculating, enrolled in or auditing credit or non-credit courses at the College, whether on or off campus, regardless of their physical location or enrollment status online, or on a part-time or full-time status.
 - J. Minor (also Child or Youth): A person under 18 years of age.
 - K. Request for Program Registration form: a required form used to request registration of any College or non-College sponsored event or program that involves the participation of minors on campus.
 - L. Rule of Three: youth protection guideline that requires two responsible adults to be present at all times and no individual to be alone with a minor.
 - M. Professional Employee: a person employed by Montgomery College as a part or full-time instructional or counseling faculty member, an administrator, a coach, or other employee who provides academic support or student services.
 - N. Responsible Adults (also called “Chaperones”): non-College individuals who have custody and supervision of minors.
 - O. Training: refers to the College’s youth protection online training or its approved substitutable equivalent such as MCPS training. Completion of a substitution for the College’s training must be verified by the Youth Protection Coordinator.
 - P. Youth Protection Coordinator: College employee who has responsibility for coordinating compliance with this policy and its associated procedures.
- VII. Scope and Applicability

³ See footnote 1

With the exception of the legal obligation to report child abuse or neglect outlined in Section VIII, these procedures do not apply to: (1) minors who are matriculated Montgomery College students, (2) events on campus that are open to the general public and which minors attend at the sole discretion of their parents or guardians, or (3) private events where minors attend under the supervision of their parent, guardian, or supervising adult.

VIII. Reporting Child Abuse or Neglect

All Maryland citizens have a general obligation to report suspected abuse or neglect to the local department of social services or to a local law enforcement agency.

Professional Employees, and anyone who suspects abuse or neglect that bears a connection to the College, have additional mandatory reporting requirements.

A. Protection for Individuals Making Reports

In accordance with 39003: Protection Against Retaliation, the College will not retaliate against any person for making a good-faith report of child abuse or neglect. In addition, Maryland law provides immunity to anyone making a good-faith report of child abuse or neglect, so the alleged wrongdoer cannot recover damages from the reporter for making the report.

B. Who Must Make a Report?

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

C. Reporting Child Abuse or Neglect to Government Authorities

1. In an emergency, dial 911 or if on a College site, call the Department of Public Safety at 240-567-3333.
2. Immediately after forming a reasonable suspicion of child abuse or neglect, individuals should report it to the local social services department or to a local law enforcement agency where the child lives or where the incident occurred. In Montgomery County, notice may be made to the Child Abuse and Neglect Hotline at 240-777-4417 or Department of Police at 301-279-8000.

D. Additional Reporting Requirements for Professional Employees

1. Professional Employees, when acting in a professional capacity, who have reason to believe a child has been abused or neglected, must follow an oral report with a written report to the relevant agency within 48

hours of the event that caused them to believe that the child may have been subjected to abuse or neglect.

2. Professional Employees who make such a report shall include in the report the following information, to the extent it is known:
 - 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 identify the person responsible for or determine the cause of the abuse or neglect.
3. A copy of the reports of Professional Employees must be provided to the College's Youth Protection Coordinator. The record is maintained in the event verification of fulfillment of mandatory reporting obligations is needed.

For minors enrolled in the Dual Enrollment Program the College has additional reporting obligations. In such cases, a College administrator responsible for overseeing Dual Enrollment will fulfill the College's obligation to share information with the student's school of record in accordance with the appropriate memoranda of understanding and will also inform the College's Youth Protection Coordinator.

E. Internal Reporting of Harms to Children

1. If the suspected child abuse or neglect bears a connection to the College it is also subject to internal reporting requirements. Suspected abuse or neglect may bear a connection to the College because:
 - a. The incident took place at a College site or within Clery reportable geography;
 - b. It was committed by a current or former employee or volunteer of the College;
 - c. It occurred in connection with a College-sponsored, recognized, or registered program or event, regardless of locations; and/or
 - d. The individual became aware of the abuse as part of their College responsibilities.

2. In such cases, after making the required oral or written report to the appropriate government authorities, all reporting individuals, regardless of their professional role, must also report the matter to the College.

Promptly notify the Department of Public Safety which, in turn, shall notify the Youth Protection Coordinator. Report to the College only after any mandated reporting to the government.

The report may be a copy of Section VIII.D.2 if this is available or if not available should include the same information.

3. To ensure compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), Public Safety must disclose certain crimes in the daily crime log and yearly statistics that are published in the annual security report, depending on the geographic location where the crime occurred.

Names and personally identifying information are not disclosed, only the report of the incident and the location it occurred.

4. If an individual is unsure about whether or how to make a report, promptly contact the Youth Protection Coordinator.

F. Disclosure by an Adult of Prior Abuse or Neglect as a Child

An adult may disclose that they were abused or neglected as a child. Regardless of when the abuse or neglect occurred, employees are compelled by law to make a report. There is no statute of limitations for reporting. If there are concerns about reporting, please contact the Youth Protection Coordinator (See Opinion of the Maryland Attorney General dated December 3, 1993, at 78 Op. Att’y Gen. 189).

G. How to Respond to a Disclosure of Child Abuse or Neglect

It is not the role of any College employee, contractor, or volunteer to investigate to determine the validity of a report of suspected abuse or neglect. Detailed questioning should be avoided as it can cause trauma or compromise an investigation.

H. College Investigations

1. In cases of alleged abuse or neglect by a College employee, or student, the College shall conduct an investigation consistent with all applicable College policies and procedures and recommend appropriate discipline in accordance with applicable College policies and procedures, including but not limited to 42001: Student Code of Conduct, 34002: Disciplinary Action and Suspension, and 34003: Discharge of Administrators and

Staff or, for bargaining unit members, the applicable procedures in the collective bargaining agreement.

2. The College may conduct an investigation even when CPS closes the case without acting because such cases may still involve violations of College policies. To the extent permitted by law, the College's investigations should make use of police reports, statements, and other information obtained by external investigators to avoid repetitive questioning of alleged victims and witnesses.
3. Investigations may focus on whether appropriate reporting of suspected abuse occurred as required by law and this procedure or whether an employee failed to meet their reporting obligations.

IX. Criminal Background Checks

All required Criminal Background Checks must be completed before an individual begins work or participates in College-sponsored activities.

Some College employees and students may be required to undergo Criminal Background Checks before participating in College-sponsored activities in other instructional or community settings. This section does not replace external Criminal Background Checks and other requirements.

A. College Employees

1. All College employees⁴ undergo a Criminal Background Check at the time of hire, which includes checks of county and federal criminal records.
2. Additional background screening shall be required when the nature of a position involves direct, unsupervised, or uncontrolled access to minors. The level and type of screening shall correspond to the specific risks and responsibilities of the position, the details of which are maintained by the Office of Human Resources and Strategic Talent Management (HRSTM).
3. College employees who are arrested and charged with a non-traffic offense during their employment must notify their supervisor and HRSTM.

B. College Volunteers and Outside Groups

1. Pursuant to College Policy and Procedure 39002: Volunteers and Interns:
College volunteers who have any contact with minors are required to have a satisfactory Criminal Background Check based on a check of the

⁴ Except employees hired before 2012 for positions that did not require fingerprinting as a condition of employment.

National Sex Offender public [website](#), maintained by the United States Department of Justice, using the individual's name and current known place of residence and conducted by the Youth Protection Coordinator. Based on the nature and duration of the volunteer assignment, the College may conduct additional background checks and screening.

2. As outlined in Section XII, external youth-serving groups using College facilities may be required to conduct their own Criminal Background Check for their employees and volunteers, to sign a certification that they have done so, and to submit supporting documentation upon request.

X. Program Registration

- A. Except as expressly exempted in Section X.E, all programs that serve youth shall be required to register in advance and adhere to all applicable youth protection requirements.
- B. The Youth Protection Coordinator has the authority to decline to register any youth programs that do not meet the requirements stated in this procedure.
- C. Registration of programs serving youth shall be contingent upon compliance with the following guidelines:
 1. Submit an online Request for Program Registration form for College-sponsored events to the Youth Protection Coordinator as soon as possible but no less than sixty (60) calendar days before the event or program begins. Registration forms must include documentation that an administrator in the sponsoring unit has approved the proposed event.
 2. Establish staffing ratios for the program or follow industry standard staffing ratios available from the Youth Protection Coordinator. Staffing ratios should account for factors including:
 - a. the type and length of the program;
 - b. the numbers, ages, and experience levels of the youth;
 - c. the ages and experience levels of the staff;
 - d. whether the program involves transportation, swimming, changing clothes, showering, or other special circumstances; and
 - e. 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.

3. Coordinate criminal history checks for current employees with HRSTM. 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.
4. Receive notice from the Youth Protection Coordinator that the Request for Program Registration is complete, and the program may go forward.

E. Program Registration Exemptions

Certain activities involving minors are exempt from the program registration process. However, these activities still require adherence to background check, fingerprinting, and training protocols as appropriate as well as compliance with the College's youth protection standards, including following the Rule of Three.

Exempt activities are:

1. Any activity in which minors are accompanied by chaperones, such as College tours.
2. College credit or non-credit classes where College registration is required, except as required by MCPS for teachers assigned to teach in a school.
3. Events open to the general public, including recruitment events.

XI. Behavioral Standards, Training, and Resources

A. Rule of Three

The College prohibits individuals working with youth from being alone with a minor before, during, or after the program or activity. In accordance with the Rule of Three, at least two responsible adults must be present at all times when interacting with minors. Any exception to the Rule of Three must be requested, in advance, to the Youth Protection Coordinator and will be granted only in exceptional circumstances.

B. Electronic Communications and Social Media

Any electronic communication with minors should comply with 22003: Public Information, Communications, and Marketing, be conducted through College accounts, professional in nature and limited to the educational program or activity. Any private electronic communication outside the scope of the activity or program between staff or volunteers and minors, including the use of personal social networking websites, is prohibited.

1. Group messaging is a convenient and quick means of communication. Best practice calls for the use of a platform that enables transparent and open messaging and allows for the personal information of minors to remain private. Minors should never be required to share their personal contact information with adults or peers.
2. Social media services may be used to engage with minors as long as the communication happens through a College-associated account. At least two College employees should have access to the account and any use should comply with 42003: Student Social Media Privacy Protection.

XII. Use of College Facilities by Outside Groups

- A. Many outside groups use College facilities for their own youth-serving programs. These organizations are responsible for complying with the following requirements to ensure the protection of minors:
 1. Register the program at least sixty (60) calendar days in advance under Section X.C. 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 regarding the protection of minors provided by the College to the adults participating in the program and review the contents with adult participants.
 4. Comply with any additional requirements set forth in the applicable facilities use agreement.
- 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 College's Office of 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 Background Check has been completed.

Exemptions to the background screening requirement can be made at the discretion of the Youth Protection Coordinator, in consultation with the Office of General Counsel.
- 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.

XIII. Children at College Locations

The College seeks to create a sense of belonging for parenting students and employees while ensuring the safety of children and the operations of the College with the following guidelines:

- A. Children on College locations must be accompanied by a parent/guardian at all times except when the minor is a registered student or participant in a College-sponsored program, course, or activity that provides its own supervision such as the College's Youth Programs and Early Childhood Education lab school.
- B. The parent/guardian is responsible for the supervision, safety, security, and well-being of the child and is responsible for any injuries to persons or damage to property caused by the child.
- C. Employees should not bring children to work except for occasional short periods of time and provided this does not interfere with the employee or their colleagues devoting their full attention to College business. The employee must first communicate with their supervisor who has the authority to deny the request if the environment would be unsafe or there is an operational reason to do so. The employee retains full responsibility for supervision of the child at all times.
- D. It is understood that students have complex lives and the College seeks to equitably support students. Understanding that students will make childcare arrangements for periods when they will be on site to attend class or participate in other academic requirements, the College recognizes that emergency situations may require a student to bring a child to class. The student must first communicate with the instructor who has the authority to deny the request if the environment of instruction would be unsafe or there is a compelling pedagogical reason to do so. If the instructor does not grant permission for the child to be present, the student must remove the child from the classroom or environment of instruction.
 - 1. Children are allowed in most buildings, including the library and student services centers.
 - 2. Children may accompany their parents/guardians to appointments at the College if necessary, including, but not limited to, advising and financial aid.
 - 3. Children may not accompany their parents/guardians to placement assessment testing, assessment centers, or classrooms during exams or other quizzes or tests.
- E. Except in cases of College-sponsored events, children, whether supervised or unsupervised, are not permitted in natural science laboratories, any classroom with mechanical equipment, machinery, or power tools, on construction sites, in maintenance facilities, in food preparation areas, or in other areas where their presence constitutes a danger to themselves or others.

XIV. Interpretations and Exemptions

The Youth Protection Coordinator is authorized to advise on the application of these procedures and to grant specific exemptions in consultation with their supervisors and, when appropriate, College leadership. The Youth Protection Coordinator must maintain a record of any such interpretations and exemptions, and upon request furnish a copy of this record to the president and the Chief Planning, Policy, and Governance Officer.

Administrative Approval: July 29, 2004; June 10, 2013, April 28, 2014 (administrative correction only); February 23, 2015; November 27, 2017; October 18, 2019; February 22, 2023; February 6, 2026.