

COLLEGE of CHARLESTON

OFFICIAL POLICY

9.1.14

Protection of Minors Policy

9/28/2016

Policy Statement

The College of Charleston (“the College”) is dedicated to the welfare and safety of minors who visit the College’s campus, who participate in the College’s programs or who are entrusted to the College’s care, and as such, will not tolerate the abuse of minors in any form. The purpose of this policy is to inform the College community about the mechanisms available to help ensure safety of minors and likewise inform the College community of its duty and responsibility to report suspected child abuse as described in this policy and pursuant to law. This policy is in addition to, and not a substitute for College policy 9.1.10. Therefore, in addition to the reporting requirements contained herein, all mandates and provisions of policy 9.1.10 would apply, if found to be applicable to the factual situation presented. In the event of a conflict of terms between this policy and the College’s Policy 9.1.10, Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse, the terms of Policy 9.1.10 will prevail. However, all statutory mandated reporters must comply with state law and make an external report of known or suspected child abuse, pursuant to the statute.

Minors, or individuals less than 18 years old, make up only a fraction of the College community as students and visitors, yet they are a part of the College’s formal and informal activities and programs, academic and otherwise, throughout the year. This policy applies to: (i) those at the College who may work or interact with minors and covers interactions between minors and College faculty, staff, students, volunteers, contractors and consultants performing work or services on or off the campus, as part of a College program or activity, or related to their job or role at the College in any way; (ii) volunteers and those employed in College-sponsored, endorsed, or affiliated programs or activities; (iii) individuals involved in those programs and activities that take place on the College’s campus or its affiliated facilities; and (iv) all other invitees of the College. This policy also applies to non-College organizations and entities that operate camps, programs, or activities involving the participation of minors on the College of Charleston campus or at any of its related or satellite facilities, or which involve an overnight component in any manner. Further, this policy applies to minors accompanying students in the classroom or at any campus program, camp, or activity. Agreements with outside organizations and entities to operate such programs or activities shall reference and include the requirements set forth in this policy. The enrollment of students at the College who are under the age of eighteen (18) and the employment of persons under the age of eighteen (18) do not constitute programs covered by this policy.

POLICY

I. DEFINITIONS:

Minor: A person under eighteen (18) years of age.

University Run or Affiliated Program: Any program or activities that the College operates or sponsors or in which College of Charleston faculty, staff, students, volunteers, or contractors engage in through their College roles and job functions. This does not include activities unrelated to one's status and function as a member of the College's staff, faculty, student body, or as a volunteer or contractor related to some program or function sponsored or operated by the College.

Child Abuse: Child abuse, neglect, or harm is when the parent, guardian, or any other person responsible for a child's welfare (which may include campus faculty, staff, volunteers, and students):

- (a) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment, but excluding corporal punishment or physical discipline which:
 - (i) is administered by a parent or person in loco parentis;
 - (ii) is perpetrated for the sole purpose of restraining or correcting the child;
 - (iii) is reasonable in manner and moderate in degree;
 - (iv) has not brought about permanent or lasting damage to the child; and
 - (v) is not reckless or grossly negligent behavior by the parent or party.
- (b) commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child;
- (c) fails to supply the child with adequate food, clothing, shelter, or education as required under article 1 of chapter 65 of Title 59; supervision appropriate to the child's age and development; or medically necessary health care, though financially able to do so, and the failure to do so has caused or presents a substantial risk of causing physical or mental injury. However, a child's absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the Parent's refusal to cooperate. For the purpose of this chapter "adequate health care" includes any medical or nonmedical remedial health care permitted or authorized under State law;
- (d) abandons the child;

- (e) encourages, condones, or approves the commission of delinquent acts by the child and the commission of the acts are shown to be the result of the encouragement, condonation, or approval; or
- (f) has committed abuse or neglect as described in subsections (a) through (e) such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect.
- (g) For purposes of this policy, sexual abuse also includes engaging in or attempting to engage in a sexual act or sexual contact with a minor, causing or attempting to cause a minor to engage in sexually explicit conduct, or exposing the minor to sexually explicit conduct or behavior in any manner.

II. Statutory Duty to Report and Cooperate in Investigation

All members of the College community, including faculty, staff, students and volunteers, have a responsibility to assist in maintaining a safe campus environment, regardless of the statutory mandates, and therefore are obligated to report both known and suspected child abuse in a timely fashion, as well as cooperate fully regarding any investigation. Reports must be made to one of the internal offices outlined below, as well as to local law enforcement or the Department of Social Services (DSS).

For employees, both faculty and staff, failure to report known or suspected child abuse as soon as possible, and cooperate thereafter in any investigation, could result in separation or termination of employment from the College. Failure of those receiving the initial report to alert the appropriate authorities and ensure an investigation in a timely manner may also result in separation or termination of employment.

Mandated Reporters: According to South Carolina Code of Laws, Section 63-7-310, certain professions and occupations as mandated reporters of known or suspected child abuse. These professions include, but are not limited to teachers, doctors, nurses, counselors, law enforcement officers and others.

Any case of known or suspected child abuse on our campus or associated with our faculty, staff, volunteers, contractors, consultants, students, guests on our campus, or individuals affiliated with any of our programs shall be reported as soon as possible, on campus, to at least one of the following, in addition to mandatory external reporting:

Mandatory Internal Reporting:

A. The Department of Public Safety via one of the methods listed below:

1. The emergency phone number (843)-953-5611 or extension 3-5611 from a campus phone;

2. The non-emergency phone number (843)-953-4980 or extension 3-4980 from a campus phone.
- B. The appropriate supervisor, Department Head or Vice President, if the witness to the suspected child abuse is an employee of the College;
 - C. The Office of Legal Affairs at (843)-953-5502;
 - D. The Office of the Dean of Students at (843)-953-5522, if College of Charleston students are involved; and
 - E. The Office of Human Resources at (843)-953-5512, if College of Charleston employees are involved.
 - F. Title IX Coordinator at (843) 953-5758.

Mandatory External Reporting:

- A. Local Police Department - 911; or
- B. S.C. Department of Social Services - Child Abuse Division- (843) 953-9422.

III. Training:

- A. Faculty, staff, volunteers, and students who interact with minors as covered in this policy shall participate in training, specific to their duties, to learn the signs and types of child abuse, the universal duty to report at the College, and the College's expectations of appropriate conduct for faculty, staff, volunteers, and students who interact with minors in any capacity.
- B. Outside entities holding camps or other events at the College involving minors, must also provide training to their employees and volunteers, and be able to present proof of such training to the College upon request, as well as require background checks on all employees and volunteers interacting with students at the College, to include a sexual perpetrators and DSS Central Registry background checks. Such contracts regarding outside entities shall be sent to the Office of Legal Affairs for review.
- C. This Policy shall not preclude untrained College personnel from interacting with minors who are engaged in field trips and other educational activities at the College of Charleston, in those cases (a) where minors are under the supervision of trained school employees and/or volunteers representing public, private, or parochial schools and (b) where minors are reasonably anticipated to be constantly traveling in groups and congregated in public spaces. However, the College, in its sole discretion, may require a school whose students are participating in such field trips to provide proof of its training requirements and/or the

training of those specific individuals accompanying minors during a field trip on College property.

IV. Tracking of All Programs and Events Involving Minors

Each department that sponsors or endorses programs that include the participation of minors will be responsible for developing a mechanism for approving and tracking **all** events that include the participation of minors in any capacity. This includes College or department sponsored or endorsed programs, as well as any events sponsored by other individuals or non-College organizations and entities that have obtained permission to use College facilities, that take place on the College's campus or its affiliated facilities, those that occur off-campus, and those which involve an overnight component.

V. Background Checks

A background check shall be required of each adult prior to his or her interaction or participation with minors in programs or any events covered by this policy. This includes, but is not limited to, third party and/or non-College employees, faculty, volunteers, and students who work with, instruct, chaperone, or otherwise interact or engage with minors, as described in this policy.

It is the responsibility of the sponsoring Program Director, or Director's designee, to ensure that each participating individual has submitted to an acceptable background check from time to time as outlined in the College's Background Checks Policy, Policy 9.2.1, and in the College's discretion, has received training, and has subsequently received clearance to participate. Acceptable background checks must be conducted in accordance with the College's Background Checks Policy, Policy 9.2.1, and the results must be evaluated prior to the adult beginning to work with, instruct, chaperone, interact with, or otherwise engage with minors. Following the completion of an initial background check, there is an affirmative duty for all employees to notify the sponsoring Program Director and the College of new arrests and the disposition of any outstanding charges within three business days of such occurrences, and to cooperate fully in providing information necessary to evaluate the circumstances of the arrest and charges. Such arrests do not include minor traffic violations.

A decision not to allow an individual to participate in a program covered by this policy based on the background check results must be made in consultation with the Office of Legal Affairs and the Office of Human Resources, as appropriate. Any decision to deny participation in a program involving minors must be consistent with the College's Background Checks Policy. Consistent with the College's Policy 9.2.1, adults with the following criminal convictions will not be allowed to participate in such programs: murder; felony conviction involving the use of a deadly weapon; conspiracy against civil rights; embezzlement of public funds; falsification of employment application or self-disclosure form; any sex offense involving a minor; sexual assault; robbery; kidnapping.

VI. Minors in the Workplace and Classroom

The College is not necessarily designed for children and can pose safety hazards for them. Children who have a potentially contagious illness shall not be brought to the worksite or classroom under any circumstances. Further, children and minors on campus can distract employees/students from their primary duties. Accordingly:

- A. The workplace may not be used in lieu of childcare. Children, therefore, are generally not permitted to be at any worksite during an employee's working hours, unless an exception has been arranged with the employee's department head. In such a case, children are the sole responsibility of the employee while at the worksite, and the employee shall be personally responsible for the safety of the child and any harm caused by or to them.
- B. The classroom may not be used in lieu of childcare. In the event that students are unable to find childcare arrangements, minors shall be permissible in the classroom only with permission of the faculty member directing the class. The student shall be personally responsible for the safety of the minor child(ren) and any harm caused by or to them.
- C. Annual Take Our Daughters and Sons to Work Day or a one day job shadowing interaction may be conditionally allowed, provided that a full waiver and release is signed by the child's parent or legal guardian, prior to the child arriving on campus for the job shadowing experience. Job shadowing must be approved in advance by the employee's department head and may not be allowed regarding positions which may pose a physical danger.

VII. Violations of Relevant Law or of this Policy

Violations of the relevant law or of this policy, including failure to comply with the duty to report abuse, which may be committed by faculty, staff, students, volunteers, and/or guests, including the parent of an affected minor, will be handled severely and may result in removal or termination of employment from the College, banning from participation in College programs or events, and possible banning from campus, along with further serious consequences as allowed by law. A determination of such violation and the assignment of remedies or sanctions will be governed by existing College policies and applicable State and Federal laws.

VIII. No Retaliation

No student or employee will be subject to retaliation as a result of making a good faith report of suspected abuse under this Policy.

IX. Notification to the Campus

This policy will be posted on the College's policy website, with each division to notify their respective sector of the campus community about this policy and the universal duty to report at the College of Charleston. Each division shall also notify their constituency regarding the mechanisms for reporting suspected child abuse and the responsibility of departments to track and seek approvals related to programs involving minors as described in the policy.

Policy Manager and Responsible Department or Office

Human Resources and Legal Affairs

Purpose/Reason for the Policy

The purpose of this policy is to educate the College community about child abuse, the mechanisms to help ensure safety of minors, and the College community's responsibility and duty, legal and otherwise, to report suspected child abuse as described in this policy.

Departments/Offices Affected by the Policy

All departments and offices at the College of Charleston are affected by this policy. Non-College organizations and entities that operate programs or activities involving minors on campus also must comply with this campus-wide policy.

Procedures Related to the Policy

Related Policies, Documents or Forms

Background Checks Policy

Code of Conduct and Disciplinary Actions Policy
Faculty/Administration Manual
Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse (9.1.10)

Issue Date:9/28/16

Date of Policy Revision:9/28/16

Next Review Date:10/27/2020

POLICY APPROVAL

(For use by the Office of the Board of Trustees or the Office of the President)

Policy Number: 9.1.14

President or
Chairman, Board of Trustees

John E. McLaughlin, President

Date: 9/28/16