

Marywood University

Policies and Procedures

Protection of Children and Background Screening Policy

Policy Statement:

The purpose of the Protection of Children and Background Screening Policy is to provide guidelines for the appropriate protection and supervision of children participating in University-sponsored programs, in programs operated by outside entities held in University facilities, and/or programs housed in University facilities, wherever those programs or facilities are located. This Policy will also provide guidelines regarding post offer background screening for all faculty members, staff, and volunteers at the University. The background screening(s) required will depend upon the position that the candidate or employee holds at the University. Those in positions with direct and/or routine contact with minors will be required to complete successfully additional background screening as required by the Pennsylvania Child Protective Services Law (PA CPSL) upon hire and every five (5) years thereafter.

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Duty to Report Suspected Child Abuse

All employees and volunteers are required by Pennsylvania law to make a report of suspected child abuse or neglect. Reports can be made by calling ChildLine toll free at 800-932-0313 or accessing the approved online form at compass.state.pa.us/cwis to file the information electronically. Within 48 hours of the verbal report to ChildLine, a written report must be submitted to the investigating agency. If the child abuse report is filed electronically, this step is not required. Following a report to the child abuse hotline, the reporting person should call Campus Safety at 570-348-6242. If a child is in imminent danger, or the abuse is in progress, the reporter should call 9-1-1 and report the circumstances immediately and then follow the reporting steps listed above. Employees and volunteers who fail to report a case of suspected child abuse or neglect may face felony charges of the third degree.

Contact Human Resources for additional information.

Training

Employees subject to the Pennsylvania Child Protective Services Law (PA CPSL) as determined by the University must complete three (3) hours of training within 90 days of hire and three (3) hours of training every five years thereafter. The University will provide the training.

Required Clearances/Background Checks

At a minimum, all employees hired, or volunteers appointed, on or after January 1, 2016 must complete a Pennsylvania State Police Criminal History Check at the time of hire or appointment. Additional checks may be required, including but not limited to: Pennsylvania Department of Human Service (“DHS”) PA Child Abuse screening (“PA Child Abuse”) confirming whether the individual is named in the statewide database as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a founded or indicated report of such abuse; Federal Bureau of Investigation (“FBI”) national criminal background check; employment and education verification; credit history check; National Sex Offender Registry; and motor vehicle driving history. The existence of a criminal history or other adverse background check finding does not necessarily preclude beginning or continuing employment with Marywood University.

Results from the Pennsylvania State Police and PA Child Abuse screenings are sent directly to the University. The FBI background check is sent to the employee or individual and not to the University. It is the responsibility of the employee or volunteer to share the results with Human Resources within 72 hours of receipt.

Screening results are reviewed by Human Resources. If there is activity that could affect an employment or hiring decision, the results are reviewed case by case with Human Resources and the individual. The purpose of the meeting will include confirming the accuracy of the activity reported, providing the individual an opportunity to provide explanatory context for the activity, and to discuss next steps. Information pertaining to background screening results is kept confidential.

Background screenings are based on the responsibilities of each position. Current employees and volunteers who may have direct contact with, treat, supervise, chaperone, or otherwise oversee children, may need to get screenings even if they were hired or appointed before January 1, 2016. Examples include, but are not limited to, participation with a camp; a change to your employee or volunteer duties and responsibilities; a dual enrolled minor in one or more of the courses led by the individual; a job shadow experience; and a new employment or affiliation agreement. In these circumstances, Human Resources may notify these individuals regarding the need for screening.

Violations of University policies, including providing false or misleading information used for the above background checks, will be handled under applicable University policies and procedures, which may involve disciplinary action including termination from the University.

If PA CPSL background screenings are required, the individual will be notified at the time of hire or appointment for new employees and volunteers or at the time, the screening will be required for current employees and volunteers. The following screenings must be performed for the PA CPSL background screening: Pennsylvania Child Abuse History Clearance, Pennsylvania State Police Criminal Record Checks, and FBI Criminal History Background Check. Additionally, new employees and volunteers in positions requiring PA CPSL background checks cannot begin employment or volunteer duties until all checks are submitted to

and reviewed by Human Resources. Employees and volunteers requiring PA CPSL background screenings must obtain new background clearances every five (5) years.

Marywood employees and volunteers who are arrested for or convicted of an offense that would constitute grounds for denying employment, or are named as a perpetrator, in a founded or indicated report of child abuse, must notify their supervisor and Marywood University's Executive Director of Human Resources within 72 hours. Failure to do so constitutes a misdemeanor crime of the third degree and may also subject the employee or volunteer to discipline, including termination, according to PA CPSL.

Certain exceptions may apply for children employed by the institution of higher education, interns, exchange visitors, and certain volunteers. See Human Resources for details. Marywood will cover the cost of clearances for all full-time and part-time employees.

Measures to prevent child abuse

In addition to the requirements listed above, all members of the Marywood community should abide by the following measures:

Establish a procedure for the notification of the child's authorized parent/legal guardian if an emergency occurs, including medical or behavioral problems, natural disasters or other significant disruptions.

Avoid one-on-one contact with children: when feasible, there should be two or more adults present during activities when children are present.

Minors who are not matriculated University students who are participants in a University sanctioned program, camp or activity, must be supervised at all times by an authorized adult while on campus or while participating in programs, activities or services offered by the University off campus.

Although there are legitimate uses of social media that engage minors in programs offered through the University, engaging with minors via social media may inadvertently expose them to inappropriate content and create informal relationships that have negative consequences for children.

Communication with minors using email/social networking should be limited to only those occasions when that mode of communication is necessary. At all times, the communication must be strictly professional. Individuals covered by this policy are prohibited from having sustained regular contact with minor children via social media (for example, should not “friend” via social networking website or any other form of online affiliation with a child participating in a University program)

Employees and volunteers must comply with all Marywood Policies, as well as Campus Safety and Housing and Residence Life policies and procedures, as applicable.

University’s Response to Notification of Suspected Child Abuse

Should the Pennsylvania Department of Human Services or another governmental agency or law enforcement notify Marywood University that a faculty or staff member is suspected of child abuse or should the University reasonably suspect such conduct, the University will immediately implement a plan of supervision or alternate arrangement for the individual under investigation to ensure the safety of the child and other children who are in the care of Marywood University.

Such response from the University may include, among other things, banning the alleged perpetrator from campus. Exceptions may be made to the extent required, such as to enable the employee to return to their office to obtain supplies and materials needed to fulfill his/her job duties or to attend a meeting on campus. In no event will said exceptions be made if they implicate safety concerns regarding the on-campus presence. In addition, if the accused is permitted on campus, the University reserves the right to require the accused to be accompanied by his/her supervisor, Director of Human Resources, a member of Campus Safety, or a designee of the same. It is anticipated that the person accompanying the employee to their destination will remain with them until the purpose of their visit is completed.

The University reserves the right to suspend the employee suspected of child abuse during the investigation into the accusation. The University has the absolute discretion to suspend the employee with or without pay.

With safety concerns at all times in mind, the University may decide to allow the accused employee to work remotely (i.e., teach, hold office hours, etc.) using electronic means of communication (i.e., Zoom) but, even then, the remote work shall be at a location off-campus if their position allows for remote work. The University may ban the alleged perpetrator, whether a faculty member or staff member, from facilitating in-person discussion groups and overseeing and/or supervising clinicals, field internships, externships, or practicums.

In the event the alleged perpetrator's position does not allow or provide for remote work and/or the University has decided to suspend the employee without pay, the employee may use any accrued unused vacation or personal time should the employee wish to receive pay during the suspension, or the employee may treat the suspension as unpaid. The employee may not use sick time as a way of being paid during his/her suspension. The University reserves the right to temporarily replace the alleged suspect with another employee while the investigation is occurring. If the results of the investigation do not substantiate the report of alleged child abuse or reveal other conduct for which discipline is warranted as determined in the sole and absolute discretion of the University, the employee's vacation, personal time, and/or pay will be restored.

During the investigation into the alleged perpetrator's conduct, the employee shall be prohibited from taking, in their capacity as a Marywood University employee, field trips and/or any other trips to any conference, convention, presentation or retreat or other such gathering, whether paid by faculty development funds, the individual's own funds, or by a third party.

Because there is no predetermined time frame for the Department of Human Services' investigation, the University's plan will remain in place until the Department of Human Services or the reporting agency or a law enforcement unit informs Marywood University that the investigation is completed and the allegation is unfounded. The plan, however, may be modified to be even more restrictive on the alleged perpetrator if the University determines such action is needed to ensure safety.

If the investigation substantiates the allegation or reveals other conduct for which disciplinary action is appropriate, the University shall act in accordance with the

law governing the case and/or impose such discipline as the University deems appropriate in its sole and absolute discretion.

Definitions:

Adult – an individual 18 years of age or older.

Child(ren) or Minor(s) – individual(s) under 18 years of age. Prospective students and matriculated students under 18 are not covered. Dual enrollment students participating in Marywood’s pre-collegiate program called MOMENTUM, however, are covered. This dual enrollment program provides qualified high school students with the opportunity to earn college credits while completing requirements for high school graduation.

ChildLine – an organizational unit of the Commonwealth of Pennsylvania’s Department of Public Welfare, which operates a statewide toll-free system for receiving reports of suspected child abuse, refers such reports for investigation, and maintains the reports in the appropriate file. ChildLine may be reached at 800-932-0313 or via the online form at compass.state.pa.us/cwis.

Covered employee/covered volunteer – an individual who has “direct contact” with children.

Direct contact with children (employees/independent contractors) – the care, supervision, guidance or control of children, or routine interaction with children. Administrative and support personnel who perform administrative tasks related to the program and/or camp, are excluded unless they have direct contact with children.

Direct contact with children (volunteers) – the care, supervision, guidance or control of children, and routine interaction with children. Volunteers who interact with children for one day a year for a special event are excluded.

Matriculated student – a student who is enrolled in an institution of higher education and pursuing a program of study that results in a postsecondary credential, such as certificates, diploma or degree.

Routine interaction – regular and repeated contact that is integral to a person’s employment or volunteer responsibilities.

Procedures:

Related Policies/ Committees:

Whistleblower Policy

Policy History: 05/12/2023-The President of the University approved of the revisions to this policy as recommended by the Policy Committee at their May 12, 2023 meeting.

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**Mary Theresa Gardier Paterson, Esquire
Secretary of the University and General Counsel**