

To: Steering Committee

From: Committee on Students and Campus Community

Re: Final recommendations on the Protection of Children Policy - Update

Date: May 28, 2014

The Committee on Students and Campus Community (CSCC) received the charge from the Steering Committee to review the interim *Protection of Children Policy* developed by the Chief of Police and the General Counsel in response to the Penn State child abuse incident.

The CSCC invited and received inputs oral and writing from all stakeholder groups through the following:

1. Organized two open fora
 - Business Building Room 206/ Wednesday, October 16, 2013 at 3:00pm to 4:30pm
 - Education Building, Room 206/Wednesday, October 23, 2013 at 12:00pm to 1:20pm
2. Comments from the campus community were invited via email (CSCC@tcnj.edu) and through a qualtrics form where input was directed to CSCC@tcnj.edu.
3. As a committee CSCC reviewed and discussed the policy during CSCC meetings on 04/10/2013, 05/08/2013, 09/11/2013 and 10/9/2013, 11/13/2013, 2/26/2014 and 4/9/2014.
4. To expedite the process, and to clarify numerous issues interactively, the General Counsel Thomas Mahoney was invited but declined to meet with the Chair of CSCC. At his request, a series of questions were emailed to him and his responses email back to the Chair. Angela Chong represented Tom Mahoney at the next CSCC meeting and the responses were reviewed with CSCC members.
5. The proposed policy was discussed at the Faculty and Staff Senate meetings, and at the SG meeting on October 16, 2013.

The above process provided sufficient opportunity to all stakeholders to provide input into the proposed policy though direct membership as well as invited testimony.

On February 28, 2014 via email Steering sent the policy back to CSCC recommending the following changes:

Abused Child Definition:

The definition of Abused child has been changed pursuant to the Steering recommendation which reads:

First, the definition of “abused child” is limited to sexual abuse. This goes against NJ state policy which defines abuse as “physical, sexual or emotional harm or risk of harm to a child under the age of 18 caused by a parent or other person who acts as a caregiver for the child” (<http://www.state.nj.us/dcf/reporting/defining/>). The erroneous

definition originated with the interim policy but needs to be fixed in the final recommendation.

Mandated State of New Jersey Contact Information:

The contact information has been changed pursuant to the Steering recommendation which reads:

Next, the new policy contains confusing language about “emergent situations.”

Again, College policy needs to be brought in line with NJ state policy, which states, “If the child is in immediate danger, call 911 as well as **1-877 NJ ABUSE (1-877-652-2873)**” (<http://www.state.nj.us/DCF/reporting/how/>).

Contacting Campus Police Mandate

Since the policy has been brought in line with the state mandate to notify both 911 and CP&P, the mandatory reporting to Campus Police is redundant. 911 will contact Campus Police when they are notified.

If the mandate to contact Campus Police in addition to 911 and CP&P remains in the policy, the obtained testimony concludes that vetted policy must be in place to deal with the following community concerns:

Identity/Privacy Rights – CP&P realizes that exposing the identity of the caller can thwart the process of reporting abuse and therefore provides anonymity for the reporter of abuse. Mandating individuals to report to Campus Police can expose their identity and intrude upon their right to privacy. Further the complainant’s identity is used in Campus Police reporting which at some point may become public during a requested records search especially if records are accessible online and available to the general public. Therefore TCNJ Policy requirements mandating that individuals who contact Campus Police in addition to the state mandated contact listing of 911 and CP&P remain anonymous.

Immunity from Prosecution Including Civil Litigation - CP&P realizes that providing immunity from prosecution is essential for the process of reporting abuse. TCNJ Policy must clearly indicate that the umbrella of immunity afforded through CP&P extends to the reporter of abuse when reporting directly to Campus Police. According to CP&P, this may not be so easy to do if you report outside the mandated contact listing.

Burden for Cost of Litigation – With civil suit costs of \$100,000.00 or more, TCNJ Policy must clearly state who will be responsible for the complainant’s litigation costs if legal proceedings are brought against them.

Recommendation summary – The attached policy represents the required changes with the exception of the mandated requirement to contact Campus Police. As requested by Steering, I have further clarified the testimony concerns regarding the mandate to contact Campus Police. If Steering accepts the reasoning as articulated here, the mandated sentence will need to be reworded to include this referenced policy.

Section:	IV.1.1
Title:	Mandatory Reporting of Child Abuse Policy
Effective Date:	
Approved By:	Board of Trustees
Responsible Unit:	Office of Campus Police Services (609-771-2171, tcnjpd@tcnj.edu)
History:	
Related Documents: New Jersey Statutes Section 9:6-8.10 (Report of Abuse), 9:6-8.13 (Immunity), 9:9-8.14 (Violations including failure to make report; disorderly person), 9:6-8 (Definition of Abused Child), 9:6-8.84 (Definition of Sexual Abuse), 9:6-8.21 (definition of parent or guardian).	

I. INTRODUCTION

The College of New Jersey takes pride in providing a first class educational experience in a safe and supportive environment. Children frequently visit our campus, and it is important that we protect them while they are on our campus or participating in College activities, and take the necessary precautions to ensure that the campus community is safe. The purpose of this policy is to identify where acts of child abuse should be reported if observed at The College of New Jersey.

II. DEFINITIONS

"Abuse" means the physical, sexual or emotional harm or risk of harm to a child under the age of 18 caused by a parent or other person who acts as a caregiver for the child.

"Sexual Abuse" means contacts or actions between a child and a parent or caretaker for the purpose of sexual stimulation of either that person or another person.

"Parent or guardian" means any natural parent, adoptive parent, resource family parent, stepparent, paramour of a parent, or any person who has assumed responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care. Parent or guardian includes a teacher, employee or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution regardless of whether or not the person is responsible for the care or supervision of the child. Parent or guardian also includes a teaching staff member or other employee, whether compensated or uncompensated, of a day school as defined according to New Jersey law.

"Institution" means a public or private facility in the State which provides children with out-of-home care, supervision or maintenance. Institution includes, but is not limited to, a correctional facility, detention facility, treatment facility, day care center, residential school, shelter and hospital." For purposes of this policy, a camp operated on campus by a third-party organization would be considered an institution.

III. POLICY

Any faculty, staff or student who has reason to believe that a child has been abused must report the suspected abuse to Child Protection and Permanency [CP&P] (formerly the Division of Youth and Family Services). The contact information is as follows:

CHILD ABUSE/NEGLECT HOTLINE

1-877-NJ ABUSE (652-2873)

1-800-835-5510 (TTY)

24 hours a day - 7 days a week

If the child is in immediate danger, call 911 as well as 1-877 NJ ABUSE (1-877-652-2873). A concerned caller does not need proof to report an allegation of child abuse and can make the report anonymously.

Additionally, it is strongly recommended that faculty, staff or student contact Campus Police at (609) 771-2345.

Individuals contacting 911 and CP&P should provide as much information as possible to assist in the investigation of the allegation. The information reported may be helpful with respect to identifying child abuse and the perpetrator. Examples of the type of information that may be helpful are the names and addresses of the child and the child's parent, guardian or other person having custody of the child, the child's age, the type of injuries, and any other information that might be helpful with regard to the child abuse and the identity of the perpetrator.

Under New Jersey law, anyone who in good faith reports suspected child abuse shall be immune from any liability. In addition, any person who is discharged from employment, or discriminated against for reporting a good faith allegation of child abuse may file a complaint in the appropriate Superior Court.

IV. RELATED DOCUMENTS

N.J.S.A. §§ 9:6-8.10 (Report of Abuse), 9:6-8.13 (Immunity), 9:6-8.14 (Violations including failure to make report; disorderly person), 9:6-8.9 (Definition of Abused Child), 9:6-8.84 (Definition of Sexual Abuse), 9:6-8.21 (definition of parent or guardian).

V. HISTORY