



## University College of the Cayman Islands

<b>Title:</b>	<b>Child Protection Policy</b>
<b>Policy No.:</b>	<b>SL.21.02.</b>
<b>Purpose:</b>	To establish a framework for the protection and standards of conduct that safeguard UCCI's function and protection of students.
<b>Effective Date:</b>	June 2021
<b>Latest Revision:</b>	June 2021

## **1. INTRODUCTION**

### **a. What Is the University College of the Cayman Islands?**

The University College of the Cayman Islands is an institution that encourages the intellectual and personal growth of its students and provides certificate, associate, bachelor and continuing education for leadership, professional achievement and community excellence. Furthermore, the University College of the Cayman Islands recognizes that the transmission of knowledge, the pursuit of truth and the development of students require the free exchange of ideas and self-expression.

## **2. POLICY STATEMENT**

### **a. Importance and Purpose of Child Protection Policy**

The University College of the Cayman Islands is an institution that values the safety and well-being of its student community and is legally required to comply with the Cayman Islands Children Law (2012 Revision), Part IIIA 32A.

### **b. Legal Requirement to Comply**

According to the Cayman Islands Children Law (2012 Revision), Part IIIA 32A, if a lecturer, professor, counsellor or other employee/volunteer in an institution established for the care and education of children has a reasonable suspicion that a child has been or is being abused or neglected, and the suspicion is formed in the course of the person's work, that person shall notify the Child Protection Officer (CPO) in the Student Life Department of the suspicion as soon as practicable after s/he forms the suspicion.

Under this section, the designated CPO shall in-turn notify the Department of Children and Family Services (DCFS) / Multi-Agency Safeguarding Hub (MASH) of the suspicion as soon as practically possible after s/he forms or is informed of the suspicion which entails completing the DCFS /MASH Child Abuse Incident Report Form.

A person who contravenes the Legal requirement to comply section commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of one year or both.

## **3. SCOPE AND APPLICABILITY OF THE CHILD PROTECTION POLICY**

This Code applies to all registered students under the age of 18, on University premises taking courses at either full-time, part-time or continuing education; pursuing certificate, associate, bachelor, professional or any other general education studies or otherwise entered into any contractual relationship with the

University to take instructions. Student status lasts until an individual graduates or is dismissed. Students, Faculty and Staff continue to be subject to the Laws of the Cayman Islands and violations of those laws may also constitute violations of this Policy. In such instances, the University/CPO will proceed with reporting to the relevant departments and / or agencies (externally and internal).

#### 4. DEFINITIONS

For the purposes of this Policy, (“Policy” means Child Protection Policy).

- (1) “Child” means as anyone under the age of 18.
- (2) “Child Abuse” means any intentional act or series of acts of commission or omission by a parent or other caregiver (e.g., clergy, coach, teacher) that results in harm, potential for harm, or threat of harm to a child. Further classifications include:
  - a) “Physical abuse” means intentional actual or likely physical injury to a child or failure to prevent injury through neglectful actions.
  - b) “Child Sexual Abuse” any sexual act, including non-contact acts, with a child performed by an adult or an older child, including but not limited to:
    - (a) Sexual touching on any part of the body, clothed or unclothed.
    - (b) Penetrative sex; including penetration of the mouth.
    - (c) Encouraging a child to engage in a sexual activity, including masturbation.
    - (d) Intentionally engaging in sexual activity in front of a child.
    - (e) Showing children pornography or using children to create pornography.
    - (f) Encouraging a child to engage in prostitution.
    - (g) Exposing oneself or saying sexual things.

- c) "Emotional Abuse" means actual or likely severe negative impact on a child's emotional, psychological and behavioral development, resulting from persistent or severe emotional/psychological ill-treatment.
  - d) "Neglect" means severe or persistent failure to provide for a child's physical, emotional or basic needs.
- (3) "Faculty Member" means any person employed by the University to conduct teaching activities or who is otherwise considered by the University to be a member of the faculty.
  - (4) "Member of the University community" means any person who is a student, faculty member, staff member, University official or any other person employed by the University and any other person lawfully present on University premises.
  - (5) "Staff Member" means any person employed by the University to provide administrative and support services.
  - (6) "Policy" means the written regulations of the University as found in, but not limited to, the Policy, the University website and any other University policy in effect.
  - (7) "University" means University College of the Cayman Islands.
  - (8) "Student" means the registered student, on University premises taking course(s) at either full-time, part-time or continuing education, and pursuing certificate, associate, bachelor, professional or any other general education studies or otherwise entered into any contractual relationship with the University to take instructions.
  - (9) "University Premises" means any part of land, buildings, fixtures, facilities and other property in the possession of or owned, used or controlled by the University, including adjacent streets and sidewalks.
  - (10) "Volunteer" refers to a person who freely offers to take part in an enterprise or undertake a task related to the University, and who has limited contractual obligations to the institution.
  - (11) "CPO" refers to the Child Protection Officer.
  - (12) "DCFS" refers to the Department of Children and Family Services.
  - (13) "MASH" refers to The Family Support Unit / Multi-Agency Safeguarding Hub.

## 5. PROCEDURES

### Responsibilities of the University

The University College of the Cayman Islands is mandated to appoint a contracted full-time employee as the Primary and Secondary Child Protection Officer. The PCPO will serve in certain situations when the SCPO may not be available.

### Responsibilities of University Employees and Volunteers

- (1.) University College lecturers, employees, and other volunteers who have reason to believe that a student under the age of 18 is being abused are mandated to report that information in a **timely manner** to the University's Primary CPO or Secondary CPO, in accordance with the DCFS/MASH Reporting of Suspected Child Abuse/Neglect procedures.
  - a) The employee or volunteer will report to the Child Protection Officer what has been said by the student or what has been observed leading to the suspicion of child abuse/neglect, including the context of that information through the Student Life Referral form.
  - b) **There shall be no attempt by the University employee to question the child**, as the role of investigation lies with DCFS/MASH. **The child shall be protected from repeated disclosures.**
  - c) The designated CPO shall in-turn complete all required documentation and notify the DCFS/MASH unit of the suspicion as soon as practicable after s/he forms or is informed of the suspicion.
- (2) In deciding whether or not to report an incident or situation of suspected abuse/neglect to the CPO, it is not required that the person making the report have proof that abuse/neglect has occurred. **Any uncertainty in deciding to report suspicion shall be resolved in favor of the child and the report made immediately.**
- (3) If the child is injured, the employee/volunteer shall escort the student to the Student Life Department (or seek appropriate medical attention) and inform the CPO of the action.
- (4) The employee or volunteer referring the suspected case of child abuse/neglect **must not contact the parents.**

- (5) Given the sensitive nature of child abuse/neglect referrals, the employee or volunteer should not expect feedback following the referral to the CPO. Children Law, (2012 Revision) Part IIIA.32C provides protection to the notifier and requires that the receiver of notification of suspected child abuse (DCFS/MASH) shall not disclose the identity of the notifier to any other person other than in the instance of communicating to another person acting in the course of official duty. Only in cases when “the court is satisfied that the evidence is of critical importance in the proceedings and that failure to admit it would prejudice the proper administration of justice” will a notifier be called to provide evidence. In these instances, the DES will support the employee by assigning another professional to accompany them at such hearing.
- (6) University leadership shall undertake to ensure that all employees and volunteers are provided with information and training that will enable them to carry out their duty to report suspected child abuse or neglect as well as training regarding identifying and responding appropriately to Child Protection issues.

### **Responsibilities of Child Protection Officer**

- (1) Once the CPO have reasonable suspicion that a child may be suffering or may have suffered abuse/neglect, there is immediate duty to report that suspicion and the information upon which it is based to the DCFS/MASH in a timely manner.
- (2) This requirement applies whether or not the information was initially extended in confidence. This requirement also applies whether the information comes directly from the child or indirectly from another employee, volunteer or community member.
  - a) It is the CPO’s duty to report incidents or suspicions of child abuse/neglect; it is not the CPO’s responsibility to investigate.
  - b) In cases where the student has been escorted directly to the Student Life Department/Recovery bay; the CPO will take careful note of what is said and the context in which it is said. **In speaking with the student will also take care will be taken not to ask leading or unnecessary questions.** Documentation of what is said (or of any injuries) is important. The student’s own words shall be used as much as possible.

- (3) Once information for a report has been obtained, the CPO will make a telephone referral to the relevant DCFS/MASH contact person (district supervisor or intake worker). If after hours, contact shall be made with the DCFS/MASH emergency numbers. The telephone referral will be followed by a written referral within 24 hours, utilizing the DCFS/MASH Referral Information for Child Abuse Form. The CPO's role will then become one of student support.
- (4) Immediately prior to or soon after making a report of suspected abuse/neglect, the CPO shall inform the President (or if unavailable prior to the close of the business day), the VP Provost of action taken. In any case where a staff / faculty member is involved, the Manager of HR should also be informed as well. These individuals will be informed of the report but not the specific details of the report.
- (5) It is not the Child Protection Officer's responsibility to inform parents of any report of suspected child abuse/neglect; however, when making the referral to DCFS/MASH, how the parents become informed will be discussed and the best course of action agreed upon with that agency.
- (6) A record of follow-up contact made to external agencies regarding a referral made shall be kept.

### **Responsibilities of University / CPO after Referring Cases of Suspected Child Abuse and Neglect**

- (1) Following any report of suspected child abuse/neglect, the University CPO will assume a role of student support and advocate as required. The Student Life Department / CPO will cooperate with DCFS /MASH throughout any investigation.
- (2) If the suspected offender is an employee of the University or is hired to perform duties on the campus, the Director of Student Life will in turn inform the President, VP Provost & HR Department.
- (3) Prior to interviewing a child at campus, DCFS/MASH will contact Director of Student Life. It is not UCCI's responsibility to inform parents of the interview; however, the subject of parent notification will be discussed with DCFS and a decision taken in the best interest of the child.

- (4) University leaders shall assist DCFS/MASH by providing an appropriate interview space and arranging discreetly for the student to be interviewed. The DCFS/MASH worker may request that the CPO be present during an interview to offer support to the student. If the worker does not ask for student support, the CPO may make this request on behalf of the student.
- (5) If it is necessary for DCFS/MASH staff to remove the child from campus and/or classes during the investigation, the University will be provided with either parental consent (written or direct verbal) or a warrant from the courts granting permission to remove the child to a place of safety.
- (6) Following investigation, the relevant Executive members and/or the Child Protection Officer, as appropriate, will participate in DCFS/MASH case conferences and liaise with DCFS/MASH staff on behalf of the child as requested.
- (7) All information related to suspected child abuse/neglect cases shall be treated confidentially. The University must provide a secure cabinet for the filing and maintaining of confidential information related to child abuse/neglect cases. No documentation related to child abuse/neglect reports or investigations shall appear within the student's cumulative folder.
- (8) On a regular basis, and no less frequently than on an annual basis, the DCFS Child Protection Officer will request that the Child Protection Officer submit the total number of child abuse and neglect referrals made to DCFS by the respective institution. <sup>1</sup>
- (9) When following procedures for reporting suspected cases of child abuse/neglect, the safety and welfare of the student will always dictate which course of action is to be pursued. Any uncertainty shall always be resolved in favor of the child's best interest. When in doubt the CPO will consult the DCFS /MASH.

### **Responsibilities of Department of Family Services**

- (1) It is the responsibility of DCFS to ensure that all Child Protection Officers are adequately trained and receive consultative support to perform their role in the reporting of child abuse or neglect.



## 6. SPECIAL SITUATIONS

Whenever a University Policy must be enacted before it has been formatted in accordance with this policy, it may be distributed in memo or letter form by the electronically or in print. As soon as possible after the policy is issued, it will be submitted to the University Responsible Official for formatting and publication. In the meantime, it is still considered effective and in force.

## 7. IMPLEMENTATION AUTHORITY

The President or his/her designee shall convene authority.

## 8. LINKS TO RELATED POLICIES, FORMS, GUIDELINES

UCCI Student Code of Conduct – SL.21.01.

## 9. RELEVANT LEGISLATION

Cayman Islands Children Law, 2021 Revision.

## 10. HISTORY

<i>Activity</i>	<i>Historical Action</i>
<i>Approved:</i>	2021
<i>Effective:</i>	2021
<i>Revision1:</i>	
<i>Revision1 Effective:</i>	