



## **Kutztown University Policy GEN-005**

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### **MANDATORY REPORTING OF CHILD ABUSE**

#### **A. Purpose**

Kutztown University will address the appropriate supervision of children under 18 years of age (minors) who are involved in university-sponsored programs or activities held by the university on or off campus, including those activities/events sponsored by an external individual, group or organization located in facilities under the control of the university and its affiliates. The purpose of this policy is to provide for the reporting requirements for all university employees, student workers, volunteers, contractors and affiliate entities when child abuse is suspected.

#### **B. Scope**

Kutztown University has a duty to care for and protect all minors from harm when on university property as a visitor or involved in activities and programs. As such, all external individuals, groups and organizations that are under a contractual agreement to use any and all facilities are fully responsible to safeguard all minors.

#### **C. Authorized Adults or Program Staff Code of Conduct**

Authorized adults or program staff should be positive role models for children and act in a responsible manner that is consistent with the mission of Kutztown University. Authorized adults or program staff working in programs covered by this policy must follow these expectations: See Policy: Protection/Supervision of Minors.

#### **D. Definitions**

**Child Abuse:** Child abuse is defined in 23Pa. C. S. § 6303. That definition includes intentionally, knowingly or recklessly causing bodily injury or serious mental injuries to a child, or sexual abuse/sexual exploitation of a child by any act of failure to act; including:

1. Physical Abuse: causing bodily injury to a child this including but not limited to: kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.

2. Sexual Abuse: includes, but is not limited to, rape, sexual assault, molestation, incest, indecent exposure, or otherwise exploiting a child in a manner in which the child is used for gratification or sexual enjoyment by another person.
3. Emotional or Mental Abuse: causing or substantially contributing to a serious mental injury to a child through an act or series of acts or failure to act.
4. Neglect: a severe or persistent failure to provide for a child's physical needs.

**Mandated Reporter:** In a situation of suspected child abuse, all Kutztown University administrators, faculty, coaches, staff, student workers, contractors, and volunteers are considered mandated reporters.

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

#### **E. Child Abuse and Child Neglect Reporting**

1. All mandated reporters shall call 911 for an in progress child assault.
2. All mandatory reporters shall make an immediate report of suspected child abuse to the Department of Human Services (DHS) **Childline** by calling **1-800-932-0313** if the reporter suspects that a child is a victim of child abuse under any of the following circumstances:
  - a. The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.
  - b. The mandated reporter is responsible for the care, supervision, guidance, or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.
  - c. A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
  - d. An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

The child is not required to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse. The mandated reporter does not need to determine the identity of the person responsible for the child abuse to make a report of suspected child abuse.

3. Mandated reporters must immediately make an oral report of suspected child abuse to the Department of Human Services (DHS) Childline by calling **1-800-932-0313** or a written report (CY-47 form) to DHS using electronic technologies when available. If an oral report is made, a written report shall also be made within 48 hours to DHS.
4. Immediately following the report to DHS the mandatory reporter must notify the Vice

President for Compliance and Equity and Liaison for Legal Affairs, who will assume the responsibility for facilitating the cooperation of the university with the investigation of the report. More than one report of the suspected abuse is not required.

5. DHS does not require more than one report from Kutztown University.

#### **F. Protecting Identity of Reporters**

Kutztown University and PA Childline will not release data that will identify the individual who made a report of suspected child abuse or who cooperated in a subsequent investigation except to a law enforcement official investigating allegations of false reports under 18 Pa. C. S. § 4906.1 (relating to false reports of child abuse). Law enforcement officials shall treat all reporting sources as confidential informants.

#### **G. Intimidation, Retaliation or Obstruction in Retaliation to Reporting**

Reporters of child abuse are protected by Commonwealth law against intimidation, retaliation or obstruction toward reporting child abuse. Any of these acts should immediately be reported to the Chief of the University Police and the Director of Human Resources. Kutztown University will not tolerate any act which obstructs, impedes, impairs, prevents or interferes with the making of a child abuse report or the conducting of an investigation into suspected child abuse.

#### **H. Violations of Policy**

University mandated reporters who knowingly fail to report suspected child abuse or child neglect may be subject to disciplinary action, up to and including dismissal. Mandated reporters may also be subject to criminal prosecution for knowingly failing to report suspected child abuse or neglect.

#### **I. Training**

All University employees and volunteers will be trained on child abuse reporting protocols on an annual basis. All contracted employees will be required to acknowledge understanding and compliance to this policy prior to performing services at Kutztown University.

#### **J. Effective Date**

January 1, 2015

#### **K. Approved By**

Council of Trustees