

SUL ROSS STATE UNIVERSITY

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SRSU Policy: Child Abuse Reporting and Training **SRSU**

Policy ID: APM 2.34

Policy Reviewed by: Director of Human Resources

Approval Authority: Vice President for Finance and Operations

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1. Policy Statement and Purpose

Sul Ross State University is committed to maintaining a safe educational environment and complying with state law, which requires the reporting of suspected child abuse and neglect to appropriate authorities. Therefore, Sul Ross State University has adopted the following child abuse reporting and training policy.

2. Scope

This policy applies to all members of the Sul Ross State University community, which includes faculty, staff, students, volunteers, and representatives as well as third-party vendors and their employees, representatives, or volunteers.

3. Reporting Abuse and/or Neglect

Reporting suspected child abuse or neglect is mandatory. A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report to:

- Any local or state law enforcement agency;
- Texas Department of Family and Protective Services (DFPS) at 1-800-252-5400; or <https://www.texasabusehotline.org>
- SRSU Department of Public Safety at 432-837-8101
- The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

If a professional (as defined by *Section 261.101, Texas Family Code*) has cause to believe that a child has been or may be abused or neglected (as defined by *Section 261.101 or 261.401, Texas Family Code*) or that a child is a victim of an offense under *Section 21.11, Penal Code* (Indecency with a Child), the professional shall make a report not later than the 48th hour after he or she first suspects abuse, neglect or other infraction. A professional may not delegate to or rely on another person to make the report.

Any individual who witnesses, either a child in imminent danger or a crime in progress against a child should immediately call 911.

A designated individual or professional shall make a report in the manner required in this section if he or she has cause to believe that an adult was a victim of abuse or neglect and determines, in good faith, that disclosure of the information is necessary to protect the health and safety of another child or an elderly person (as defined by *Section 48.002, Texas Human Resources Code*).

The person making a report shall identify, if known (1) the name and address of the child; (2)

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the name and address of the person responsible for the care, custody or welfare of the child;
and,

(3) any other pertinent information concerning the alleged or suspected abuse or neglect.

The requirement to report applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproductive services.

Suspected child abuse or neglect must be reported when a person learns of an allegation. Failure to comply with the reporting requirements of this policy and state law is a violation of state criminal law and this policy and may subject faculty, staff or students to disciplinary action, up to and including termination or expulsion.

4. Definitions

Abuse – includes the following acts or omissions by a person:

- a. Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development or psychological functioning;
- b. Causing or permitting a child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development or psychological functioning;
- c. Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- d. Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- e. Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of a young child or children, indecency with a child, sexual assault, or aggravated sexual assault;
- f. Failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- g. Compelling or encouraging a child to engage in sexual conduct, including compelling or encouraging the child in a manner that to engage in conduct that constitutes an offense of trafficking of persons, prostitution, or compelling prostitution;
- h. Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene, or pornographic;
- i. The current use by a person of a controlled substance in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

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- j. Causing, expressly permitting, or encouraging a child to use a controlled substance;
- k. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child; or
- l. Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable by law.

Child/Minor– means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.

Designated Individual: Any person, whether employed, an independent contractor, or volunteer that has contact with a child/minor. Examples of designated individuals include, but are not limited to, faculty, staff, student workers (student assistants, including work-study), graduate, teaching and/or research assistants, volunteers and contracted employees.

Neglect – includes:

- a. The leaving of a child in a situation where the person knows or should know that the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child; or
- b. The following acts or omissions by a person who knows or should know that:
 - i. Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;
 - ii. Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
 - iii. The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
 - iv. Placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or
 - v. Placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse committed against another child; or
- c. The failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

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Person responsible for a child's care, custody, or welfare – means a person who traditionally is responsible for a child's care, custody or welfare, including

- a. a parent, guardian, managing or possessory conservator, or foster parent of the child;
- b. a member of the child's family or household as defined by Texas Family Code Chapter 71;
- c. a person with whom the child's parent cohabits;
- d. school personnel or a volunteer at the child's school; or
- e. personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides.

Professional - an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

Report – means a report that alleged or suspected abuse or neglect of a child has occurred or may occur.

5. **Training**

All designated individuals and professionals are required to complete training in prevention techniques for and the recognition of symptoms of sexual, physical, emotional or medical abuse and neglect of children as well as the responsibility and procedure for reporting suspected occurrences of such abuse and neglect. The training will include:

- techniques for reducing a child's risk of sexual abuse or other maltreatment;
- factors indicating a child is at risk for sexual abuse or other maltreatment;
- the warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms; and
- the requirements and procedures for reporting suspected sexual abuse or other maltreatment.

6. **Immunity and Retaliation**

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from civil or criminal liability that might otherwise be incurred or imposed. Filing a false report is a violation of state criminal law and may subject faculty, staff or students to

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disciplinary action, up to and including termination or expulsion.

Sul Ross State University may not retaliate against a person who in good faith reports child abuse or neglect to the person's supervisor; an administrator of the facility where the person is employed; a state regulatory agency; or a law enforcement agency; or initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

7. Campus Programs for Minors

Employees and third parties who will be working in a "campus program for minors" that falls under the definition in Texas Education Code 51.976 (see below) are required to undergo criminal background checks as well as training and examination to enhance their sensitivity to the warning signs of sexual abuse and child molestation. This applies to volunteers and unpaid students working in camps for minors as well.

Campus Program for Minors applies to programs that meet the following criteria.

The program must:

- a. Be operated by an institution of higher education or be on the campus of the institution;
- b. Offer recreational, athletic, religious, or educational activities for at least twenty (20) campers who:
 - i. Are not enrolled at the institution, and
 - ii. Attend or temporarily reside at the camp for all or part of at least four (4) days
- c. Is not a day camp or youth camp as defined by Section 141.002, Health and Safety Code, or a facility or program required to be licensed by the Department of Family and Protective Services.

8. RESPONSIBILITIES Regarding Campus Programs for Minors:

Director of Human Resources or Designee:

- Oversees and directs the Sexual Abuse and Child Molestation Awareness training and examination program which includes determining the definition and/or scope of what constitutes a "campus program for minors" and "designated individuals" as permitted by law.
- Determines who meets the definition of "designated individuals."
- Determines which programs meet the definition of "campus programs for minors" that falls within the scope of this policy as permitted by law.

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Academic Deans and Department Heads:

- Deans and Department Heads are responsible for enforcing this policy within their colleges and/or assigned departments.

Directors of Camps for Minors:

- Are responsible for enforcing this policy for their summer camp employees and volunteers.
- Are responsible for informing the Director of Human Resources or Designee and the Director of Public Safety of the times and dates of scheduled camps.
- Submitting completed Sexual Abuse and Child Molestation Awareness Certification Forms to Sul Ross University's Office of Human Resources.

9. PROCEDURES:

The Sexual Abuse and Child Molestation Awareness training includes information and examination concerning warning signs of sexual abuse and child molestation.

All designated individuals that have contact with minors are required to complete the Sexual Abuse and Molestation Awareness training and examination.

Sul Ross State University employees and all designated individuals must achieve a score of 70% or higher on the examination. Individuals scoring less than 70% will be allowed to repeat the course in order to achieve a passing score.

Upon successful completion of the course, the employee and/or designated individual will receive a certificate of completion which must be signed and forwarded to the Office of Human Resources. (The Program Director for Youth Camps may also want to maintain a copy of this certificate in their program files.)

Sul Ross State University employees and designated individuals must complete the Sexual Abuse and Child Molestation Awareness training and examination every two calendar years. New Sul Ross State University employees and designated individuals must complete the training within the first thirty (30) days of employment or, in the event that the new employee will be participating in any campus program for minors, the employee must complete the training within the first five days of the program, whichever is earlier.

A Program Director for camps and/or programs involving youth must complete and submit to the Office of Human Resources the name and dates of the camp/program and a list of camp staff no later than twenty-one (21) business days prior to the start of the Program so all Designated individuals can be scheduled for the online Sexual Abuse and Child Molestation Awareness training and examination. The Director of Camps or designee will file the "Campus Program for Minors Information Form" which is available on the Texas Department of State Health Services

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website

(<http://www.dshs.texas.gov/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=8589961823>)

within five business days of the start of the campus program.

Immediate Threat to a Minor: Any employee who suspects that an incident of child abuse or neglect has occurred or is likely to occur as a part of a Campus Program for Minors or within the university environment, shall immediately call 911 (where that service is available) and the Sul Ross State University Department of Public Safety (UDPS) to ensure the fastest possible response time to protect the child. The person reporting should provide, where possible:

- The child's name, description, age and address
- The name and address of the person responsible for the care, custody or welfare of the child
- Any other information to help authorities assist the child (who, what, when, where).

Timing: It is critical that the report be made as soon as possible. The more time that elapses between the incident and the report, the more difficult it is for authorities to investigate and to get the child the needed and necessary care.

Once the incident is reported to law enforcement, notification must be given to the Camp or Program Director (unless he/she is the source of the abuse or law enforcement directs you not to). Provide the Camp or Program Director (a) the name of the law enforcement official who took the report, (b) the time of the report, and (c) a brief summary of your discussion with law enforcement.

Unless instructed by law enforcement to *not* contact the parents/guardians, the Program Director will **immediately** notify the parents/guardians of the children.

The Program Director must also file an online report with the Texas Department of Family and Protective Services at the following link: <http://www.txabusehotline.org/Login/Default.aspx>

CONFIDENTIALITY

Due to the sensitive nature of this type of report, it is important to maintain the highest level of confidentiality and professionalism when reporting.

Relevant Statutes

Texas Family Code, Chapter 261
Texas Education Code, Section
51.976 Texas Education Code
51.9761