

Auburn University

Reporting of Child Abuse and Neglect Policy

I. Policy Statement

Auburn University is committed to maintaining a supportive and safe educational environment, one which seeks to enhance the well-being of all members of its community. This commitment reflects the university's adherence to its mission, to its various policies supporting its mission, and to relevant state and federal laws. In demonstration of that commitment, the university places importance on creating a secure environment for children. To that end, the university has adopted the following Reporting of Child Abuse and Neglect Policy and procedures on mandated reporting requirements.

II. Policy Principles

Code of Alabama Title 26, Chapter 14 ("Reporting of Child Abuse or Neglect") provides the authority for this policy. In order to ensure the safety and well-being of children, all individuals—including university faculty, staff, administrators, student employees, volunteers, and representatives (collectively "university personnel") as well as third-party vendors and their employees, representatives, or volunteers that contract for use of university facilities (collectively "vendors")— must carefully review and abide by the following policy regarding the reporting of child abuse and neglect.

Alabama law requires certain individuals to report child abuse or neglect whenever a child is known or suspected to be a victim of child abuse or neglect. However, ANY person may report child abuse or neglect if the person has reasonable cause to suspect that a child has been abused or neglected.

With very limited exception, Alabama law (Code of Ala. §26-14-1 et seq.) makes the reporting of known or suspected child abuse or neglect *mandatory* for hospitals, clinics, medical professionals, pharmacists, teachers, school officials, employees of public and private institutions or postsecondary and higher education, law enforcement officials, social workers, daycare workers, mental health professionals, members of the clergy, and any other person called upon to render aid or medical assistance to a child.

It is the university's position that, in addition to the mandated statutory reporting requirements for certain individuals and entities, all university personnel, volunteers, and vendors who have reasonable cause to suspect that a child has been abused or neglected must immediately make a report. Neither Alabama law nor any university policy allows you to delegate the duty to report child abuse or neglect.

III. Effective Date

Adopted: May 14, 2013

Revised: October 15, 2020

IV. Applicability

This policy applies to all university faculty, staff, administrators, student employees, volunteers, and representatives (collectively "university personnel") as well as third-party vendors and their employees, representatives, or volunteers that contract for use of university facilities (collectively "vendors").

V. Policy Management

Responsible Office: Risk Management & Safety

Responsible Executive: Executive Director, Risk Management & Safety

Responsible Officer: Youth Protection Program Manager

VI. Definitions

Child abuse

Harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse, or sexual exploitation or attempted sexual exploitation. "Sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. "Sexual exploitation" includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes (Code of Ala. §26-14-1).

Neglect

Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter (Code of Ala. §26-14-1).

Child

A person under the age of 18 years or a person under the age of 19 years who is in need of protective services and does not qualify for adult protective services under Chapter 9 of Title 28 (Code of Ala. §26-14-1).

Duly Constituted Authority

The chief of police of a municipality or municipality and county; or the sheriff, if the observation of child abuse or neglect is made in an unincorporated territory; or the Department of Human Resources; or any person, organization, corporation, group, or agency authorized and designated by the Department of Human Resources to receive reports of child abuse and neglect; provided, that a "duly constituted authority" shall not include an agency involved in the acts or omissions of the reported child abuse or neglect (Code of Ala. §26-14-1).

VII. Policy Procedures

Reporting Known or Suspected Child Abuse or Neglect

If you know or suspect that a child is a victim of child abuse or neglect, you must act. In deciding whether to report an incident or situation of suspected child abuse or neglect, it is not required that the reporter have proof that abuse or neglect has occurred. Any uncertainty in deciding to report suspected abuse or neglect must be resolved in favor of making a report.

In making a report, your actions should be as follows:

First, if a child is in imminent danger, you must contact police at 911 to obtain immediate protection for the child.

Second, do not directly question or solicit information from the child or from the person suspected of improper behavior. That is not your role; the role of investigation lies with city, county, and state officials.

Third, immediately report the information to the county Department of Human Resources (DHR) by phone, followed up with a written report (<https://dhr.alabama.gov/child-protective-services/written-report-of-suspected-child-abuse-neglect-for-mandated-reporters/>). Contact the county DHR office where the child resides. If you do not know in which county the child resides, then report it to the office in the county where you witnessed the incident or, as a last resort, where you reside. County contact information can be found at <https://dhr.alabama.gov/child-protective-services/child-abuse-neglect-reporting/>.

When contacting DHR, you should include all known information regarding the known or suspected abuse or neglect, including, but not limited to, the name of the child, the child's whereabouts, the names and addresses of the parents, guardian, or caretaker, and the character and extent of the injuries. The report should also contain, if known, any evidence of previous injuries to said child and any other pertinent information that might establish the cause of such injury or injuries, and the identity of the person or persons responsible for the same.

Do not delay making a report in order to gather evidence; DHR will determine whether such an investigation is warranted. It is

acceptable to quickly collect additional information that is readily available (such as talking to co-workers who also interact with that child) or to verify that the information learned meets criteria for reporting, but this must be done very promptly. It is better to report without all relevant information than to delay a report to collect information.

Fourth, within 24 hours after making the foregoing report, you must report the information to your immediate supervisor and to the Auburn University Executive Director of Campus Safety & Security.

It shall be the responsibility of the Executive Director of Campus Safety & Security to notify university officials of the suspected child abuse or neglect, without including personally identifiable information if at all possible, and to coordinate investigation with DHR and/or local law enforcement, as appropriate. University officials include, at a minimum, the President, Executive Vice President, Provost, General Counsel, and Executive Director of Risk Management & Safety. It shall be the responsibility of the university President to notify the Board of Trustees of the incident.

Further, the Executive Director of Campus Safety & Security shall be responsible for maintaining all records and reports related to the incident and to brief university officials as needed.

VIII. Sanctions

Any university employee who willfully fails to report a case of known or suspected child abuse or neglect is subject to disciplinary action up to, and including, dismissal. Any volunteer who willfully fails to report a case of known or suspected child abuse or neglect may be prohibited from any further volunteer work at the university. Notwithstanding any contractual provision to the contrary, the university may terminate its relationship with any third-party vendors who fail to comply with this policy.

Per Alabama law, any person or institution participating in good faith in the making of a report of child abuse or neglect or participating in any judicial proceeding resulting therefrom shall be immune from any liability, civil or criminal, that might otherwise result by reason of such actions (Code of Ala. §26-14-9).

Per Alabama law, any person who knowingly fails to make a required report shall be guilty of a misdemeanor and shall be punished by a sentence of not more than six months' imprisonment or a fine of not more than \$500.00 (Code of Ala. §26-14-13).

Any university personnel who makes a good faith report of child abuse or neglect may not be subjected to retaliation in employment with the university (Code of Ala. §26-14-3).

IX. Exclusions

There are no exclusions to this policy.

X. Interpretations

Questions related to the daily operational interpretation and application of this policy should be directed to:

Risk Management & Safety
334-844-2626
youthprotection@auburn.edu