06-01.50 – POLICY ON THE REPORTING OF SUSPECTED CHILD ABUSE AND NEGLECT

I. Policy Statement:

The purpose of this policy is to provide guidance to staff, faculty, and students of the Towson University (“University”) community regarding the mandatory requirements in Maryland law that govern the reporting of suspected cases of child abuse and child neglect, and to affirm the commitment of the University to the protection of the safety and welfare of children who come into contact with the University community.

The reporting requirements addressed in this policy implement the mandatory child abuse and neglect reporting provisions of the Family Law Article of the Maryland Annotated Code, Sections 5-701 through 5-708, and University System of Maryland (USM) policy VI-1.50, Policy for the Reporting of Suspected Child Abuse and Neglect, as they apply to the University.

II. Definitions:

A. Abuse means:

1. The physical or mental injury of a child by a parent or other person who has permanent or temporary care or custody of the child, or by any household or family member, under circumstances indicating that the child’s health or welfare is harmed or at substantial risk of being harmed; or

2. Sexual abuse of a child, whether physical injuries are sustained or not, defined as any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.

B. Child means any individual under the age of 18 years.

C. Local Department of Social Services means the department of social services for the jurisdiction in which:

1. The child resides; or

2. The abuse or neglect occurred, or
3. If neither location is known, the jurisdiction in which the institution is located.

D. Mental Injury means the observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function.

E. Neglect means the failure to give proper care and attention to a child, including leaving the child unattended, by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances indicating:

1. That the child’s health or welfare is harmed or placed at substantial risk of harm; or

2. Mental injury to the child or a substantial risk of mental injury.

F. Professional Employee means a person employed by the University as a:

1. Faculty member;

2. Administrator;

3. Coach; or

4. Other employee who provides academic support, student service, or institutional support activities, whose duties require either a college degree or comparable experience.

G. University Community means Towson University faculty, staff and students.

III. Responsible Executive and Office:

Responsible Executive: All Vice Presidents

Responsible Office: All Vice Presidents

IV. Entities Affected by this Policy: University Community

V. Procedures:

A. Reporting Requirements

1. Reporting Requirements for University Professional Employees.
A University health practitioner, police officer, or other Professional Employee (“the professional employee”) of the University, when acting in a professional capacity, who has reason to believe that a Child has been abused or neglected, shall report this suspicion as follows:

a. An oral report shall be made as immediately as is practicable, within 48 hours of the event that caused the employee to believe that a Child has been subject to Abuse or Neglect:

i. To the local police department or the Local Department of Social Services; and

ii. When acting as a staff member of the University, to the Director of Public Safety & Chief of Police (“Police Chief”).

b. A written report shall also be provided to the Local Department of Social Services within 48 hours of the event that caused the employee to believe that a Child has been subject to Abuse or Neglect.

i. The employee shall provide a copy of the written report to the Police Chief.

ii. The report shall include the following information, to the extent that it is known by the employee:

   (A) The name, age, and home address of the Child;

   (B) The name and home address of the parent or other person responsible for the care of the Child;

   (C) The Child’s whereabouts;

   (D) The nature and extent of the suspected Abuse or Neglect, including any information regarding possible previous instances of Abuse or Neglect; and

   (E) Any other information that may help to identify the person responsible for the Abuse or Neglect or determine the cause.

c. A copy of the written report also shall be sent to the local State’s Attorney, if Abuse is suspected.
d. The above reporting requirements apply regardless of generally accepted confidentiality privileges otherwise applicable to professional-client relationships, except that they may not apply to attorneys or members of the clergy under the specific circumstances described in Family Law Article Section 5-705(a)(2) and (3).

e. Notwithstanding anything in this policy, counselors at the University’s counseling center who receive information regarding Child Abuse or Neglect while acting within the scope of their duties as counselors will have no greater obligation to report Child Abuse or Neglect under this policy than their obligations under Maryland law.

2. Reporting Requirements for All Other Persons.

Members of the University Community other than a University Professional Employee acting as a staff member of the University, including other staff, students, and contractors on campus, are also required to report suspected Child Abuse or Neglect as follows:

a. Such individuals shall report orally or in writing to:

i. The Local Department of Social Services or local law enforcement agency; and

ii. The Police Chief, if the suspected Child Abuse or Neglect:

(A) Took place in institution facilities or on institution property;

(B) Was committed by a current or former employee or volunteer of the University;

(C) Occurred in connection with an institution sponsored, recognized or approved program, visit, activity, or camp, regardless of location; or

(D) Took place while the victim was a registered student at the institution.

b. The report shall include the information listed in Section V.A.1.b. above, to the extent that it is known by the individual making the report.
c. The requirement to report suspected Abuse or Neglect to the Police Chief under section V.A.2.b, above, is subject to generally accepted confidentiality privileges applicable to professional-client relationships.

3. Questions Regarding the Reporting Requirements.

Questions regarding the applicability of these requirements to a particular individual or situation may be directed to the Local Department of Social Services or the Police Chief for the reporting of suspected Abuse or Neglect. For further information, see the University’s website on reporting child abuse/neglect at: http://www.towson.edu/publicsafety/prevention/abuse/index.html.

4. Reporting of Past Abuse or Neglect.

The obligation to report suspected Child Abuse or Neglect applies, even if the individual who may have been the victim of past Child Abuse or Neglect is no longer a Child at the time when the past Abuse or Neglect is disclosed or otherwise suspected.

B. Policy Implications and Consequences

1. Immunity.

Under State law (Family Law Article Section 5-708), any individual who in good faith makes or participates in making a report under the law shall be immune from any civil liability or criminal prosecution. In addition, any person who in good faith makes or participates in making a report under this policy shall be free from any reprisal at the institution that might otherwise result from compliance with the policy.

2. Failure to Report.

Any employee of the University who fails to report suspected Child Abuse or Neglect in violation of this policy may be subject to discipline for professional misconduct, up to and including termination of the employee’s employment with or appointment to the University.

3. Confidentiality.

The confidentiality of a report of suspected Child Abuse or Neglect, including the identity of an individual who makes a report under this policy, the individual suspected of Abuse or Neglect, and the Child who may have been abused or neglected, will be protected consistent with relevant federal and state laws.
C. Responsibilities of the University

The University shall take the following actions to implement this policy and support compliance with State law requirements:

1. President’s Designee.

The President of the University hereby designates the Police Chief or his designee to receive oral and written reports of suspected Child Abuse or Neglect from employees, students, and others at the institution.

2. Information Dissemination.

Employees, students and other members of the University Community shall be informed through employee or student handbooks, institution websites (see http://www.towson.edu/publicsafety/prevention/abuse/index.html), and other appropriate means of communication of:

a. The requirements of this policy and relevant state law requirements;

b. University procedures for compliance with this policy; and

c. Contact information for the Local Department of Social Services, local law enforcement agency, State’s Attorney, and the Police Chief.

3. Training.

Employees and students who have regular contact with children shall receive periodic training in the requirements of this policy.

4. Cooperation with Other Agencies.

The University shall cooperate fully and appropriately with any investigation of suspected Child Abuse or Neglect by a Local Department of Social Services or law enforcement agency. If the individual suspected of Child Abuse or Neglect is an employee, student, or contractor of the University, the University shall coordinate its own investigation or other activities in response to a report with the appropriate local agency.

5. Disciplinary Action.
The University shall ensure that this policy and these procedures for addressing alleged employee and contractor misconduct include provisions and measures to respond swiftly and appropriately to reports of suspected Child Abuse and Neglect.

6. Reporting to the Chancellor.

The President shall inform the Chancellor of any serious incident arising at the University under this policy, consistent with the confidentiality requirements of federal and state law.

D. Implementation

All requirements of this policy shall be implemented no later than January 31, 2012.

Related Policies:

USM policy VI-1.50, Policy for the Reporting of Suspected Child Abuse and Neglect

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Approved by: President’s Council 01/10/2012