

## **Mandatory Reporting of Child Abuse and Neglect Policy**

### **I. Background**

The University of Wisconsin-La Crosse (UW-La Crosse) prioritizes safety and strives to provide a safe learning environment for everyone. Children come into contact with the University of Wisconsin-La Crosse employees through various programs, camps, and events. On December 19, 2011, the Governor signed Executive Order #54, which requires that all University of Wisconsin System employees must report incidents of child abuse and neglect. In addition, this policy extends that obligation to volunteers and contractors performing services for UW-La Crosse.

### **II. Definitions**

A. "Abuse" of a child includes any of the following:

1. Physical injury inflicted on a child by other than accidental means. "Physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising or great bodily harm.
2. Sexual intercourse or sexual contact with a child under the age of 16 or with a 16 or 17 year-old child without his or her consent.
3. Sexual exploitation of a child. Sexual exploitation of a child occurs when a person employs, uses, persuades, induces, entices, or coerces any child to engage in sexually explicit conduct for the purpose of recording or displaying the conduct or records or displays a child engaged in sexually explicit conduct. Sexual exploitation of a child also occurs when a person produces, performs in, profits from, promotes, imports into the state, reproduces, advertises, sells, distributes, or possesses with intent to sell or distribute, any recording of a child engaging in sexually explicit conduct.
4. Permitting, allowing or encouraging a child to violate the statute prohibiting prostitution.
5. Causing a child to view or listen to sexual activity for purposes of sexual arousal or sexual gratification.
6. Exposing genitals or pubic area to a child or exposing a child's genitals or pubic area for purposes of sexual arousal or sexual gratification.
7. Manufacturing methamphetamine with a child present, or in a child's home (including the premises of a child's home or in a motor vehicle located on the premises of a child's home), or under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child.
8. Emotional damage for which the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms. "Emotional damage" is defined as harm to a child's psychological or intellectual functioning and is evidenced by one or more of the following characteristics exhibited to a severe degree: anxiety, depression, withdrawal; outward aggressive behavior; or a substantial and observable change in behavior,

emotional response or cognition that is not within the normal range for the child's age and stage of development.

- B. "Child" is a person who is less than 18 years of age.
- C. "Employee" is any UW-La Crosse employee.
- D. "Neglect" is failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

### III. Reporting Requirements

- A. Executive Order #54 requires that UW-La Crosse employees make a report of child abuse or neglect immediately if, in the course of employment, a UW-La Crosse employee observes an incident or threat of child abuse or neglect, or learns of an incident or threat of child abuse or neglect, and the employee has reasonable cause to believe that child abuse or neglect has occurred or will occur.
- B. This policy hereby establishes the requirements that volunteers and contractors performing services for UW-La Crosse abide by the same reporting obligations as employees (as stated in Section III.A above) to the maximum extent feasible.
- C. Collecting additional information that is readily available (such as talking to coworkers who also interact with that child) or verifying that the information learned meets the criteria for reporting may be appropriate, but any such action must be conducted promptly. Employees should not delay making a report in order to gather evidence; the agency to whom the report is made will determine whether such an investigation is warranted.
- D. University Police can be contacted 24 hours a day by calling (608) 789-9999 or the La Crosse County Human Services at (608) 785-5875. All incidents of child abuse reported to University Police will also be reported to La Crosse County Human Services by the investigating officer.
- E. Executive Order #54 does not specifically address whether an employee must report information learned about an adult who was the victim of childhood abuse or neglect. Because making such a report may raise issues relating to state and federal law and professional codes of ethics, before making any report involving an adult who was the victim of child abuse or neglect, employees should contact the Office of Human Resources or the Office of Affirmative Action.
- F. Child abuse or neglect involving UW-La Crosse includes:
  - 1. Child abuse or neglect alleged to have been committed by UW-La Crosse employee, student, agent, volunteer, or contractor, or
  - 2. Child abuse or neglect occurring in or at UW-La Crosse facilities or on UW-La Crosse land, or
  - 3. Child abuse or neglect occurring during or in connection with a UW-La Crosse sponsored activity.

If the reported abuse or neglect involves UW-La Crosse on any or all of the above grounds, then it must also be reported to the Office of Human Resources, the Office of Affirmative Action or University Police Department. Any employee may request assistance from his or her supervisor in making this report, who in turn must report the abuse to the UW-La Crosse police department, if it involves potential criminal conduct, and the Office of Affirmative Action, if it involves any

potential sexual misconduct. Employees are encouraged to discuss the allegation with the Director of Human Resources or the Director of Affirmative Action who will consult legal counsel if necessary.

- G. A UW-La Crosse employee who is a mandatory reporter by profession under Wis. Stat. § 48.981(2) (e.g., health practitioner, social worker, law enforcement officer, child care provider) must continue to comply with the state mandatory reporter law requirements.
  - H. UW-La Crosse employees may share information regarding suspected child abuse or neglect only with appropriate individuals, such as the agencies to whom reports are to be made, appropriate University officials, and co-workers when the employee is promptly seeking additional information for a report. Beyond appropriate disclosures, employees should treat the information as sensitive and confidential.
  - I. Questions regarding the applicability of these requirements to a particular individual or situation should be directed to the Office of Human Resources or the Office of Affirmative Action.
- IV. Policy Implications and Consequences
- A. No UW-La Crosse employee making a report of child abuse or neglect in good faith may be discharged from employment, disciplined or otherwise discriminated against in regard to employment, or threatened with any such treatment because that employee made a report in good faith.
  - B. Any UW-La Crosse employee who fails to report suspected child abuse or neglect in violation of this policy may be found to be in violation of an applicable work rule and may be subject to disciplinary action up to and including termination of employment.
- V. Responsibilities of UW-La Crosse
- A. Criminal background checks will be performed pursuant to the background check policies for UW-La Crosse, and must be conducted on employees, volunteers, and contractors who have regular contact with children in the course of performing duties or services for UW-La Crosse or in connection with a UW-La Crosse sponsored activity. Background checks for volunteers and contractors will be conducted by the Office of Human Resources at the expense of the employing department.
  - B. UWL contracting personnel must ensure that all contractual arrangements contain language requiring the contractor to supply employees that have passed criminal background checks, if such employees will have regular contact with children.
  - C. To the maximum extent feasible, UW-La Crosse will include, in all written contracts for the provision of services by independent contractors, an obligation to report incidents of child abuse and neglect. Whenever possible, written contracts shall include the following provision (or alternative language as approved by legal counsel):

“If, in the course of providing services to UW-La Crosse, contractor (or its agent or employee) observes an incident of child abuse or neglect, or learns of an incident of child abuse or neglect

and the contractor (or its agent or employee) has reasonable cause to believe that child abuse or neglect has occurred or will occur, contractor (or its agent or employee) must make a report of that child abuse or neglect to law enforcement or to a county social service agency as provided in UW-La Crosse's Policy on Mandatory Reporting of Child Abuse and Neglect. If the suspected child abuse or neglect involves UW-La Crosse (See Section III.F. of UW-La Crosse's Policy on Mandatory Reporting of Child Abuse and Neglect), the contractor (or its agent or employee) shall also report that abuse to the UW-La Crosse Office of Affirmative Action."

- D. UW-La Crosse employees and volunteers will receive training or education on the subject of child abuse and neglect; this training or education may differ depending upon (1) the type and degree of contact the individual may have with children on campus or (2) other training or education regarding mandatory reporting an individual might receive due to his or her profession.
- E. UW-La Crosse employees and volunteers will be informed through handbooks, institutional websites, or other appropriate means about:
  - 1. Executive Order #54;
  - 2. Institutional policies and procedures;
  - 3. Contact information for the local county department of human services and local law enforcement.
- F. UW-La Crosse will provide and/or post information in appropriate areas to notify children who to contact if they are a victim of child abuse or neglect.
- G. Any documentation related to a UW-La Crosse employee or volunteer report of child abuse or neglect will be stored and maintained in a secure location.