

**TITLE: MANDATORY REPORTING OF SUSPECTED CHILD ABUSE OR
NEGLECT AND STUDENT ABUSE**

DATE(S) OF POLICY AND POLICY REVISION APPROVALS: December 18, 2012

This policy is adopted to affirm the obligation of College employees to assist in identifying suspected child abuse or neglect and student abuse, and to establish procedures for reporting such abuse in compliance with the Pennsylvania Child Protective Services Law. This policy was created to comply with the requirements of the Pennsylvania Child Protective Services Law and does not supersede or alter any individual's obligations/requirements under the Pennsylvania Child Protective Services Law.

DEFINITIONS: The following definitions are for the purpose of this policy.

Perpetrator shall mean one of the following:

- Parent of the child (biological parent, adoptive parent, stepparent, legal guardian)
- Person(s) responsible for the child's welfare (babysitter, day care provider, foster parent).
College employees do not fall into this category.
- Individuals residing in the same home as the child
- A significant other of one of the child's parents (does not have to reside in the household)

Child Abuse shall mean any of the following:

- Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child under 18 years of age.
- Any act or failure to act by a perpetrator which causes non-accidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- Any recent act, failure to act, or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers the life or development of a child under 18 years of age or impairs the child's functioning.
- In accordance with Title 23 Pa. C.S.A., Chapter 63, no child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing, and medical care.

Sexual Abuse shall mean any of the following:

- The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct.
- The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in simulation of sexually explicit conduct for the purpose of producing visual depiction, including photographing, videotaping, computer depicting and filming.
- Any of the following offenses committed against a child: (i) Rape, (ii) Sexual assault,

(iii) Involuntary deviate sexual intercourse, (iv) Aggravated indecent assault, (v) Molestation, (vi) Incest, (vii) Indecent exposure, (viii) Prostitution, (ix) Sexual abuse, (x) Sexual exploitation.

- Sexual abuse includes contacts and interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult, including the production of visual or other depictions. A child is sexually abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, or whether or not it is initiated by a child, and whether or not there is a discernible harmful outcome.

Student Abuse shall mean any of the following:

- Serious bodily injury to an LCCC student under the age of 18 by a College employee, vendor or person who is under contract with the College individually or through his/her employer.
- Threatened serious bodily injury to an LCCC student who is under the age of 18 by a College employee, vendor or person who is under contract with the College individually or through his/her employer.
- Sexual abuse or exploitation to an LCCC student who is under the age of 18 by a College employee, vendor or person who is under contract with the College individually or through his/her employer.

The **College Mandatory Reporting Administrator** is the College administrator deemed responsible for receiving reports of suspected abuse or neglect from College employees and submitting those reports to ChildLine and/or other appropriate agencies.

ChildLine - ChildLine accepts calls from the public and professional sources 24 hours per day, seven days per week, including calls of suspected child abuse or neglect or student abuse. ChildLine provides information, counseling, and referral services for families and children to ensure the safety and well-being of the children of Pennsylvania. ChildLine can be reached at 800-932-0313.

Recent Act shall mean an abusive act committed within two years from the date of the Department of Public Welfare's ChildLine is called or the act is reported to College Mandatory Reporting Administrator. Sexual abuse has no time limit.

Reasonable Cause shall mean the sort of common-sense conclusion about human behavior upon which practical people are entitled to rely. Further, reasonable cause is more than an unarticulated hunch; it requires facts or circumstances that give rise to more than a bare imaginary or purely conjectural suspicion.

GUIDELINES:

College Mandatory Reporting Administrator

The Director of Safety and Security serves as the College Mandatory Reporting Administrator. In the absence of the Director, the Deputy Director of Safety and Security will serve as College Mandatory Reporting Administrator. In the absence of both the Director and Deputy Director,

the College President will serve as the Mandatory Reporting Administrator.

Child Abuse by Perpetrator Duty to Report

LCCC employees who in the course of their employment, occupation or practice of their profession come into contact with children under 18 years of age shall immediately report to the College Mandatory Reporting Administrator when they have reasonable cause to suspect, on the basis of their medical, professional, or other training and/or experience, that a child they are aware of in their professional or official capacity is an abused child in accordance with the Mandatory Reporting of Suspected Child Abuse or Neglect and Student Abuse Procedure. An individual making a report to the College Mandatory Reporting Administrator is also encouraged to file a report with the Department of Public Welfare by calling ChildLine at 1-800-932-0313. If it is suspected or disclosed that an individual was abused while under the age of 18, it must be reported.

LCCC employees who are informed by a student that the student observed a case of suspected child abuse must report the incident in accordance with the Reporting Suspected Child Abuse or Neglect or Student Abuse procedure.

Privileged communication between any professional person required to report and the patient or client of that person shall not apply to situations involving child abuse and shall not constitute grounds for failure to report. In other words, privileged communication is not justification for not reporting suspected child abuse.

All suspected abuse must be reported to the College Mandatory Reporting administrator. It is the responsibility of the College Mandatory Reporting administrator to report to ChildLine.

Report summaries and written reports of child abuse as well as any other related information obtained concerning alleged instances of child abuse in the possession of the College shall be confidential.

The Child Protective Services Law states that a) any person required to report suspected child abuse who, in good faith, reports or causes the report to be made shall have immunity from civil and criminal liability related to those actions; and b) a person or official required to report a case of suspected child abuse who willfully fails to do so commits a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for a second or subsequent violation.

College employees who willfully fail to report suspected child abuse or neglect may be subject to disciplinary action in accordance with the appropriate bargaining unit agreement and/or College policy.

Child Abuse by Perpetrator Investigation

Employees shall cooperate with the Department of Public Welfare or the county children and youth agency investigating a report of suspected child abuse, including permitting authorized personnel to interview the child while in attendance.

Student Abuse by School Employee, Vendor or Contracted Individual Duty to Report

A College employee shall immediately contact the College Mandatory Reporting Administrator when the College employee has reasonable cause to suspect, on the basis of his/her professional or other training and/or experience, that a College employee, vendor or person who is under contract with the College individually or through his/her employer is committing child abuse or student abuse.

If the accused College employee is the College Mandatory Reporting Administrator, the school employee shall immediately report to the President who will act as the College Mandatory Reporting Administrator.

The College Mandatory Reporting Administrator who receives a report of suspected student abuse of a child under 18 years of age from a College employee or student, or who has independent cause to suspect injury or abuse, will immediately file an oral report with the Department of Public Welfare by calling ChildLine at 1-800-932-0313 and will immediately report to law enforcement officials and the appropriate district attorney. The Administrator shall exercise no discretion, but has an absolute duty to report when receiving notice from a College employee.

Report summaries and written reports of student abuse as well as any other related information obtained concerning alleged instances of student abuse in the possession of the College shall be confidential.

The Child Protective Services Law states that a) a College employee who refers a report of suspected student abuse shall be immune from civil and criminal liability against the College arising out of the report; b) a College employee who willfully fails to report suspected student abuse or who willfully violates the confidentiality of such a report may be subject to punishment by law; and c) a College Mandatory Reporting administrator who willfully fails to report immediately to law enforcement officials and the appropriate district attorney any report of suspected serious bodily injury or sexual abuse or exploitation alleged to have been committed by a College employee, vendor or contracted individual against a student or child commits a misdemeanor of the third degree.

College employees who willfully fail to report suspected student abuse may be subject to disciplinary action in accordance with the appropriate bargaining unit agreement and/or College policy.

A College Mandatory Reporting Administrator who willfully fails to report immediately to law enforcement officials and the appropriate district attorney any report of suspected serious bodily injury or sexual abuse or exploitation alleged to have been committed by a College employee, vendor or or contracted individual against a student or child may be subject to disciplinary action in accordance with the appropriate bargaining unit agreement and/or College policy.

Student Abuse by School Employee Investigation

College officials shall cooperate with law enforcement officials, the district attorney, the Department of Public Welfare or the county children and youth agency investigating a report of suspected student abuse or child abuse, including permitting authorized personnel to interview a student while in attendance at school.

Law enforcement officials and the county children and youth agency may conduct joint interviews with students, but law enforcement officials shall be given an opportunity to interview school employees prior to the county children and youth agency.

Reports of suspected injury or abuse of a student 18 years or older will be investigated by College Safety and Security in accordance with the College Investigations policy.

Reporting Suspected Child Abuse or Neglect and Student Abuse

LCCC employees shall follow the Mandatory Reporting of Suspected Child Abuse or Neglect and Student Abuse Procedure to report suspected child abuse or neglect or suspected student abuse.

Imminent Danger

If a child is in imminent danger, the employee and/or the College Mandatory Reporting Administrator should contact police at 911 to obtain immediate protection for the child and then notify Campus Safety and Security.

Other Cases of Suspected Physical or Sexual Assault

All other cases of suspected, disclosed or observed physical or sexual assault should be reported immediately to Campus Safety and Security in accordance with the Zero Tolerance for Threats, Threatening Behavior and Violent Acts policy.