

Auburn University at Montgomery

Child Protection and Reporting of Child Abuse Policy

Policy Statement

Auburn University at Montgomery 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. Within that commitment, the University places importance on creating a secure environment for children. To that end, the University has adopted the following Child Protection and Reporting of Child Abuse Policy and procedures on mandated reporting requirements, per the University and Alabama law.

In order to ensure the safety and well-being of children, individuals, including University faculty, staff, students, volunteers, and representatives as well as third-party vendors and their employees, representatives, or volunteers that contract for use of University facilities, with responsibilities that involve interaction with children (collectively "University personnel"), must carefully review and abide by the following policy regarding child protection and the reporting of child abuse.

Authority

Code of Alabama Title 26, Chapter 14, Section 14 ("Reporting of Child Abuse or Neglect") provides the authority for this policy.

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 non-accidental 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. (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).

Policy Principles

Alabama law requires certain individuals to report child abuse, whenever they have reasonable suspicion. However, ANY person may report child abuse if they have reasonable suspicion that a child has been abused.

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, teachers, school officials, 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 and volunteers who have a reasonable cause to suspect that a child is being 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.

Policy Procedures

Reporting Child Abuse or Suspected Child Abuse

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

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

First, immediately report the information to local law enforcement authorities. **If a child is in imminent danger**, the reporting party must contact the AUM Police Department at 334-244-3424 if the child is at an AUM facility or, if off-campus contact law enforcement at 911 to obtain immediate protection for the child.

To report child abuse or suspected child abuse or neglect and **the child in NOT in imminent danger**, the reporting party must contact the AUM Police Department at 334-244-3424 if the child is at an AUM facility or, if off-campus contact the Montgomery Police Department at their non-emergency number 334-241-2651.

When contacting law enforcement you should include all available 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; the law enforcement agency to whom you make the report will determine whether such an investigation is warranted. It is acceptable to quickly collect additional information that is readily available (such as talking to coworkers 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.

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 law enforcement and city, county, and state officials.

Third, in addition to making a report with local law enforcement, within 24 hours after making the foregoing report, an employee shall report the information to his/her immediate supervisor and to Auburn University at Montgomery's Director of Police Operations. It shall be the responsibility of the Director of Police Operations to notify University officials of the suspected child abuse and to coordinate the investigation with local law enforcement. University officials include, at a

minimum, the Chancellor, Vice Chancellor for Student Affairs, and Provost. It shall be the responsibility of the University Chancellor to notify the Board of Trustees of the incident.

Further, it shall be the responsibility of the Director of Police Operations to either report the incident to the State of Alabama Department of Human Resources or to ensure that the local law enforcement agency has made the report. The Director of Police Operations shall advise the reporting party that such report has been made. Finally, the Director of Police Operations shall be responsible for maintaining all records and reports related to the incident and to brief University officials as needed.

Liability

As per Alabama law, any person or institution participating in good faith in the making of a report or testifying in any proceeding arising out of an instance of suspected child abuse shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions (Code of Ala. §26-14-9).

As per Alabama law, any person who knowingly fails to make the 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 may not be subjected to retaliation in employment with the University.

Compliance

Any University personnel who willfully fails to report a case of suspected child abuse is subject to disciplinary action, up to and including, dismissal.

ADOPTED: Auburn University