

Policy on the Reporting of Suspected Child Abuse and Neglect
Policy VI-1.50
Salisbury University

I. Policy Statement

The purpose of this Policy is to provide guidance to staff, faculty and students of the Salisbury University (“University”) community regarding the mandatory requirements in Maryland law and Maryland Attorney General opinion 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.

This Policy is implemented as directed by the University System of Maryland (“USM”) Policy on Suspected Child Abuse and Neglect. 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, as they apply to the University. A Maryland Attorney General opinion expands beyond requirements in the Maryland Code to require Maryland state agencies, including the University, to report suspected Child Abuse or Neglect disclosed by the victim who is now an adult with the purpose of protecting other minors who may be at risk for Child Abuse or Neglect by the perpetrator.

II. Scope

This Policy applies to the University Community as that term is defined in this Policy. Failure to report as provided in this Policy may have serious legal implications for the University Community member and the University, and may result in disciplinary action.

III. Definitions (in alphabetical order)

a. **Abuse.** Abuse means:

- i. The physical or mental injury 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, under circumstances indicating that the child’s health or welfare is harmed or at substantial risk of being harmed; or
- ii. Sexual abuse of a child, regardless of whether physical injuries are sustained, 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.** A Child is any individual under the age of 18 years.
- c. **Director.** Director means the Director of the University Counseling Center:

Kathleen Scott, Ph.D.
kjscott@salisbury.edu
Guerrieri University Center 263
410-543-6070 or on campus ext. 36070
- d. **Local Department of Social Services.** The Department of Social Services for the county jurisdiction in which
 - i. The child resides; or
 - ii. The abuse or neglect occurred; or,
 - iii. If neither location is known, the jurisdiction in which the University is located. The Local Wicomico County Department of Social Services in the University's jurisdiction may be contacted during business hours at 410-713-3900 (select option 1).
- e. **Mental Injury.** Mental injury means the observable, identifiable and substantial impairment of a child's mental or psychological ability to function.
- f. **Neglect.** 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:
 - i. That the child's health or welfare is harmed or placed at substantial risk of harm; or
 - ii. Mental injury to the child or a substantial risk of mental injury.
- g. **Other Person(s).** All Other Persons include members of the University Community and people affiliated with the University, other than a Professional Employee acting as a staff member of the University including, but not limited to, other staff, students, volunteers, Board members, agents and entities under contract with or acting on behalf of the University.
- h. **Professional Employee.** A Professional Employee is a person employed by the University as a:

- i. Faculty member;
- ii. Administrator;
- iii. Coach; or
- iv. Other employee who provides academic support, student service or institutional support activities, whose duties require either a college degree or comparable experience.

i. **University Chief of Police.** University Chief of Police means:

Edwin Lashley
ellashley@salisbury.edu
East Campus Complex 166
410-543-6222 or on campus ext. 36222

j. **University Community.** The University Community is broadly defined to include all University administrators, faculty, staff, students, Board members, volunteers and some third parties, such as contractors hired by the University or agents under contract with and acting on behalf of the University, regardless of location.

IV. Procedures

a. **Reporting Requirements.**

i. **People Responsible for Reporting Suspected Child Abuse or Neglect**

- 1. **University Professional Employees.** A Professional Employee, when acting in a professional capacity, who has reason to believe that a Child has been Abused or Neglected is required to report suspected Child Abuse or Neglect.
- 2. **All Other Person(s).** All Other Persons affiliated with or members of the University Community, other than a Professional Employee, are also required to report suspected Child Abuse or Neglect.

ii. **Procedure to Report Suspected Child Abuse or Neglect**

- 1. **An oral report.** An oral report shall be made as immediately as is practicable, within 48 hours of the event that caused the Professional Employee or Other Person to believe that a Child has been subject to Abuse or Neglect.

- a. **In an emergency or in the event the Abuse or Neglect is presently occurring, dial 911; and**
 - b. An oral report shall be made to the Local Department of Social Services and/or to the local police department; and
 - c. When acting as a staff member of the University, a report shall also be made to the Director of the Counseling Center (“Director”); and
 - d. In the event the suspected Abuse or Neglect occurred on University property, a report shall also be made to the University Chief of Police.
2. **A written report.** A written report shall be documented within 48 hours of the event that caused the person who has reason to believe that a Child has been subject to Abuse or Neglect.
 - a. The written report shall be provided to the Local Department of Social Services; and
 - b. A copy of the written report shall also be submitted to the Director; and
 - c. A copy of the written report shall also be submitted to the University Chief of Police if the suspected Child Abuse or Neglect:
 - i. Took place in University facilities or on University property;
 - ii. Was committed by a current or former employee or volunteer of the University;
 - iii. Occurred in connection with a University sponsored, recognized or approved program, visit, activity or camp, regardless of location; or
 - iv. Took place while the victim was a registered student at the University.
 - d. The employee shall utilize the Child Abuse Reporting Form found online at <http://www.salisbury.edu/can/>. The report

shall include the following information, to the extent that it is known by the employee:

- i. The name, age and home address of the Child;
 - ii. The name and home address of the parent or other person responsible for the care of the Child;
 - iii. The Child's whereabouts;
 - iv. The nature and extent of the suspected Abuse or Neglect, including any information regarding possible previous instances of Abuse or Neglect; and
 - v. Any other information that may help to identify the person responsible for the Abuse or Neglect or to determine the cause.
- e. A copy of the written report may also be sent to the local State's Attorney by the Local Department of Social Services and/or local police department, if Abuse is suspected.
 - f. Any individual responsible for reporting suspected Child Abuse or Neglect shall not be obligated to investigate or question any other individual in an effort to secure more information in connection with a report under this Policy. Any investigation shall be conducted by the Local Department of Social Services and/or local police department.

3. Confidentiality Privileges.

- a. The reporting requirements apply regardless of the generally accepted confidentiality privileges otherwise applicable to professional-client relationships, except that the reporting requirements may not apply to attorneys, members of the clergy or health practitioners under the specific circumstances described in Family Law Article Section 5-705(a).

- b. The requirement to report suspected Abuse or Neglect to the Director under Section IV.A.ii.2. above is subject to generally accepted confidentiality privileges applicable to professional-client relationships.
 - iii. **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 Director for the reporting of suspected Child Abuse or Neglect.
 - iv. **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 the past Abuse or Neglect is disclosed or otherwise suspected.
- b. **Policy Implications and Consequences**
- i. **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 University that might otherwise result from compliance with the Policy.
 - ii. **Failure to Report.** Any member of the University Community who fails to report suspected Child Abuse or Neglect
 - 1. May be in violation of State law and may be subject to prosecution; and
 - 2. Is in violation of this Policy and may be subject to disciplinary action as follows:
 - a. **Employees/Volunteers/Board Members.** Discipline for professional misconduct, up to and including termination of employment with or appointment to the University.
 - b. **Persons under Contract with the University.** Immediate termination of underlying contract with the University for cause.

- c. **Students/Prospective Students.** Discipline for violation of the Student Code of Conduct, up to and including dismissal from the University or revocation of offer of acceptance for admission.
 - iii. **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:
- i. **President's Designee.** The President of the University hereby designates the Director of the University Counseling Center to receive oral and written reports of suspected Child Abuse or Neglect from employees, students and others at the University as defined above in this Policy.
 - ii. **Information Dissemination.** Employees, students and other members of the University Community shall be informed through employee or student handbooks, University websites, contracts and other appropriate means of communication of:
 1. The requirements of this Policy and relevant State law requirements;
 2. University policies and procedures for compliance with this Policy; and
 3. Contact information for the Local Department of Social Services, local law enforcement agency, State's Attorney and the Director for the reporting of suspected Child Abuse or Neglect.
 - iii. **Training.** Employees and students who have regular contact with children shall receive periodic training in the requirements of this Policy.
 - iv. **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.

- v. **Disciplinary Action.** The University shall ensure that its own policies and procedures for addressing alleged employee, student and contractor misconduct include provisions and measures to respond swiftly and appropriately to reports of suspected Child Abuse and Neglect. Any reports of suspected Child Abuse or Neglect alleged against any member of the University Community shall be further reported by University Police and/or the Director for timely and appropriate mitigation, disciplinary and contractual action as follows:
 1. **Employees/Volunteers/Board Members.** To that person's supervisor and the Associate Vice President for Human Resources.
 2. **Persons under Contract with the University.** To the Vice President for Administration & Finance.
 3. **Students/Recruits/Prospective Students.** To the Dean of Students.
- vi. **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.

V. Related Policies:

USM Policy VI-1.50: Policy on the Reporting of Suspected Child Abuse and Neglect
(Approved by the Board of Regents on December 9, 2011)

VI. Related Information:

- a. Child Abuse or Neglect University Website: www.salisbury.edu/CAN
- b. Child Abuse or Neglect Checklist
- c. Local Department of Social Services Child Abuse or Neglect Report Form
- d. Frequently Asked Questions regarding this Policy

VII. Approved by: Dr. Janet Dudley-Eshbach, President: August 23, 2012