Saint Joseph’s University
Mandatory Child Abuse Reporting Policy

I. Purpose and Scope of Policy

**Purpose**: Saint Joseph’s University ("University" or "Saint Joseph’s") strives to protect the well-being of Minors visiting campus and/or participating in University-sponsored off-campus programs. As a result, this *Mandatory Child Abuse Reporting Policy* ("Reporting Policy") applies to suspected cases of Child Abuse, explaining when reporting is mandatory, as well as the process for reporting and to whom. University Employees suspecting that such a Minor has been the victim of Child Abuse shall report that abuse consistent with this *Reporting Policy*. In addition to the requirements of this *Reporting Policy*, the presence of or visits by Minors is governed by the University’s *Minors on Campus Policy*, which is found at http://www.sju.edu/int/resources/humanresources/pdf/minorsoncampuspolicy.pdf.

**Scope**: This *Reporting Policy* applies to activities and programs taking place on Saint Joseph’s campus, or at University-sponsored off-campus activities. It must be emphasized that the safety and welfare of the Child is paramount. *Any uncertainty about whether reporting is required should always be resolved in favor of making a report.* This does not include any confidential communications made to an attorney subject to the attorney-client privilege or to a member of the clergy subject to the clergy-penitent privilege.

**Authority**: This Policy is informed and guided by the Pennsylvania Child Protective Services Law (the "Law"). The full Law can be found at 23 Pa. C.S. § 6301, et seq.

II. Defined Terms Under This Policy

“**Child**” or “**Minor**” is any individual under 18 years of age and these terms are used interchangeably in this Policy.

“**Employee**” for purposes of this *Reporting Policy* is a regular or temporary employee, including staff, administrators, and faculty (adjunct, visiting, tenure-track, and tenured) as well as a trustees, independent contractors, or volunteers who perform work for or donate services to the University.

**Child Abuse** – Pursuant to the Law and for purposes of this *Reporting Policy*, the term “Child Abuse” shall mean intentionally, knowingly or recklessly doing the following (23 Pa. C.S. §6303(b.1)):

1. Causing bodily injury to a child through any recent act or failure to act.
2. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
3. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts:
   a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
   b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
   c. Forcefully shaking a child under one year of age.
   d. Forcefully slapping or otherwise striking a child under one year of age.
   e. Interfering with the breathing of a child.
   f. Causing a child to be present at a location while a violation of 18 Pa. C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
   g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
      i. Is required to register as a Tier II or Tier III sexual offender under 42 Pa. C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.
      ii. Has been determined to be a sexually violent predator under 42 Pa. C.S. § 9799.24 (relating to assessments) or any of its predecessors.
      iii. Has been determined to be a sexually violent delinquent child as defined in 42 Pa. C.S. § 9799.12 (relating to definitions).
9. Causing the death of the child through any act or failure to act.

III. Requirements of Policy Governing Mandatory Child Abuse Reporting

University Employees must report Child Abuse that they witness or have reasonable cause to suspect.¹ In deciding whether or not to report an incident or situation of suspected abuse, it is not required that the Employee have proof that abuse has occurred. Any uncertainty in deciding

¹ Separate from this Reporting Policy, Employees are also permitted to report child abuse as a private citizen in circumstances not related to their employment or volunteer work for or in affiliation with the University. In addition, the Law may impose different or additional obligations on any University Employee who is defined by law as a mandated reporter. (23 Pa. C.S. §6311(a)).
to report suspected abuse should be resolved in favor of making a report. Employees should not directly question or solicit information from the Child. That will be done by the Department of Human Services and, in certain circumstances, by law enforcement.

In making a report, an Employee shall immediately, and in the order listed below:

1. (If applicable) If a University Employee sees a Child in imminent danger or a crime against a Child in progress on campus or at a University-sponsored event or activity, the Employee shall immediately call 911. The Employee should further call the Office of Public Safety (x1111) to report the incident immediately after reporting it to the police.

   If the situation is not in progress and no one is in imminent danger, please skip directly to step 2.

2. Make an immediate and direct report of suspected child abuse to ChildLine either electronically to www.compass.state.pa.us/cwis or by calling 1-800-932-0313. (23 Pa. C.S. § 6313(a) (1))

3. If you made an oral report to ChildLine (as described in #2 above) you must immediately, but in no event later than 48 hours after calling ChildLine, prepare and submit a written report to the county children and youth agency where the suspected Child Abuse occurred, using the Report of Suspected Child Abuse (CY47) (available at http://www.keepkidssafe.pa.gov/cs/groups/webcontent/documents/form/c_137044.pdf). If you make an electronic report using the Child Welfare Portal (as described in #2 above), you are not required to submit the Report of Suspected Child Abuse (CY47) to the county children and youth agency.

4. Make an immediate and internal report to the Director of Public Safety by sending an email to DirectorPubSafe@sju.edu, attaching the completed Report of Suspected Child Abuse (CY47).

   If for some reason the Employee is unable to, or would prefer not to, contact the Director of Public Safety, the employee should contact the Vice President for Student Life/Associate Provost by sending an email to VPStudentLife@sju.edu, attaching the completed Report of Suspected Child Abuse (CY47).

5. In response to the email, the person making the report will be contacted by Director of Public Safety and/or the Vice President for Student Life/Associate Provost. All Employees are required to assist the University, to the extent deemed necessary by the University, in gathering factual information related to the report.

6. Employees must forward any subsequent communication from the Department of Human Services relating to the report to the person they contacted in #4 above.

7. Employees who are also registered medical professionals have a concurrent obligation to directly report injuries caused by suspected Child Abuse to the local or state police.
8. Within 24 hours after making the report (as described in #1-4), an Employee shall report the information to his/her immediate supervisor or the appropriate Department/Program/Activity Leader for the program/activity (as “Department/Program/Activity Leader” is defined by the University’s Minors on Campus Policy). An initial oral report is acceptable, but written detail should be supplied upon request and may be supplied in every instance.

IV. Responsibilities of the Director of Public Safety

Upon receiving a report made under this Policy, the Director of Public Safety shall assume the responsibility and have the legal obligation to report the suspected Child Abuse to the Department of Human Services (DHS) and, where the report implicates potential abuse of a Child by a University Employee, to local law enforcement as well. The Director of Public Safety may not make an independent determination of whether to report. Reports must be made orally or online, and immediately, to the DPW’s ChildLine at (800) 932-0313 or www.compass.state.pa.us/cwis. The Director of Public Safety shall notify the reporting Employee that the report was made after making the initial oral report to ChildLine. The Director of Public Safety shall maintain records of all reports made under this Policy.

If the Director of Public Safety made an oral report to ChildLine, s/he must, immediately but in no event later than 48 hours after calling ChildLine, make a written report on the form provided by the DHS (Report of Suspected Child Abuse [Form CY47]) to the county children and youth agency in the county where the suspected Child Abuse occurred.

V. Immunity from Liability & Non-Retaliation

Under the Law, a person acting in good faith who makes a report of Child Abuse, whether required to report or not, has immunity from civil and criminal liability. (23 Pa. C.S. §6318(a)).

The University will not retaliate against any person who makes a good faith report under this Reporting Policy.

VI. Failure to Report

Pursuant to the Law, a mandated reporter who willfully fails to report a case of suspected Child Abuse or to make a referral to the appropriate authorities commits an offense up to the level of a felony of the third degree. (23 Pa. C.S. §6319) and may be subject to disciplinary action up to and including termination.

2 Or, in circumstances where the Director of Public Safety for some reason is not/cannot be involved, the Vice President for Student Affairs/Associate Provost.
VII. Protection from Employment Discrimination

The Pennsylvania Child Protective Services Law provides protection from employment discrimination when a person has acted in good faith in making a report of suspected Child Abuse. (23 Pa. C.S. §6320(a)).