

## THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

### MANDATORY REPORTING OF CHILD ABUSE AND NEGLECT POLICY

**Number** 06.09.04

**Division** Finance and Administration – Office of Risk Management and Compliance

**Date** September 12, 2023

**Purpose** This policy sets forth The University of Alabama in Huntsville’s (“UAH” or “University”) commitment to creating a secure environment for children. Code of Alabama Title 26, Chapter 14, Section 14 "Reporting of Child Abuse or Neglect" and Board Rule 106.2 of The Board of Trustees of the University of Alabama provide the authority for this Policy.

**Policy** In order to ensure the safety and well-being of children, all individuals, including University faculty, staff, students, volunteers, and representatives as well as third-party entities and their employees, representatives, or volunteers that contract for use of University facilities or partner with the University on programs or activities involving interactions with children (collectively “Covered Personnel”), must carefully review and abide by the following policy regarding reporting known or suspected child abuse.

In addition to the requirements of this policy, Covered Personnel must adhere to obligations that may be imposed by applicable law or other University policy.

This policy applies to child abuse or neglect that allegedly occurs:

- on the University’s campus,
- on property owned or leased by the University,
- while Covered Personnel are participating in a University connected activity on or off campus, or
- that Covered Personnel discover as a result of their affiliation with the University or a University program.

For the purposes of this Policy, a “child” is:

- Any person under 18 years of age.
- Any person under 19 years of age who is in need of protective services and does not qualify for adult protective services under Chapter 9 of Title 38 in Alabama law.

With very limited exception, Alabama law (ALA. CODE § 26-14-1 et seq.) makes the reporting of known or suspected child abuse or neglect, regardless of the circumstances in which it may occur, mandatory for college and university employees, 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. All UAH employees are considered to be mandatory reporters under state law.

It is the University's position that, in addition to the mandated statutory reporting requirements for certain individuals and entities, **all Covered Personnel** who have a reasonable cause to suspect that a child is being abused or neglected must immediately make a report, regardless of the location, timing, setting or circumstances of the potential abuse or neglect. Neither Alabama law nor any University policy allows you to delegate the duty to report child abuse or neglect.

No form of child abuse, whether physical, emotional, or sexual, will be permitted or tolerated under any circumstances. Abuse may come in many forms:

- Abuse includes harm or threatened harm to a child's health or welfare and can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse, or sexual exploitation or attempted sexual exploitation.
- Sexual abuse may be perpetrated by an adult or another child and 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 abuse also includes any activity that is meant to arouse or gratify the sexual desires of the perpetrating adult or child. Sexual abuse may or may not involve touching.
- 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.
- Neglect is negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter.

#### *University Child Protection Policy*

Any Covered Personnel with responsibilities that involve interaction with children should also review the related policy: [06.09.01 Child Protection Policy](#)

#### *Prohibition on Retaliation and Immunity from Liability*

Any UAH employee, student, or volunteer who makes a good faith report of child abuse or neglect shall not be subjected to retaliation. Reference the UAH Duty to Report and Protection from Retaliation policy (06.09.03). Further, any person or

entity that makes a good faith report of child abuse or neglect is immune under Alabama law from any liability—civil or criminal—that might otherwise be incurred or imposed.

### *Failure to Report*

Pursuant to ALA. CODE § 26-14-13, any **mandatory reporter** who fails to make a required report may be subject to criminal charges.

Any Covered Personnel who willfully fails to report a case of suspected child abuse is subject to disciplinary action up to and including dismissal. Students may be referred for disciplinary action under the Code of Student Conduct.

### *Additional Reporting Responsibilities*

This Policy should not be viewed as limiting any legal, ethical, and/or professional reporting obligations. Individuals subject to additional reporting obligations should comply with those obligations as well as this Policy. Mandatory Reporters who are subject to additional reporting obligations may also be subject to additional punitive actions, including increased fines and/or imprisonment.

### **Reporting Procedures**

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

In making a report, you **must**:

1. **Immediately report the information to: The University of Alabama in Huntsville Police Department (UAHPD) at 256-824-6911.** Your oral report 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 for the child, 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. However, you should not delay making a report to gather this information.

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 police, city, county, and/or state officials, or other appropriate law enforcement entity.

2. **In addition to making an oral report**, you must also complete a [Child Abuse or Neglect Report Form](#). It shall be the responsibility of UAHPD to notify the Office of Counsel of the suspected child abuse and to coordinate the investigation with the appropriate local and state law enforcement officials.
3. It shall be the responsibility of the UAHPD to either report the alleged incident to the State of Alabama Department of Human Resources (DHR) or to ensure that the local law enforcement agency having jurisdiction in the matter has made the report to DHR.
4. UAHPD shall be responsible for maintaining all records and reports related to the incident and to brief University officials regarding progress or resolutions as needed.

**Review**

The Office of Risk Management and Compliance is responsible for reviewing the policy every five (5) years or whenever circumstances require.