

Sam Houston State University
A Member of The Texas State University System

Finance & Operations Human Resources Policy ER-10
Child Abuse Reporting and Training

POLICY & PURPOSE: Sam Houston State University (the University) is committed to maintaining a safe educational environment and complying with state law, which requires the reporting of suspected child abuse and neglect to appropriate authorities. This policy applies to all members of the University community, which include faculty, staff, students, volunteers, and representatives as well as third-party vendors and their employees, representatives, or volunteers.

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1. Reporting Abuse and/or Neglect

Reporting suspected child abuse or neglect is mandatory. A person having cause to believe that a child's physical or mental health or welfare has been adversely effected by abuse or neglect by any person shall immediately make a report to:

- Any local or state law enforcement agency;
- Texas Department of Family and Protective Services (DFPS) at 1-800-252-5400; or
- University Campus Police at (936) 294-1794; or
- The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

If a professional (as defined by *Section 261.101, Texas Family Code*) has cause to believe that a child has been or may be abused or neglected (as defined by *Section 261.101 or 261.401, Texas Family Code*) or that a child is a victim of an offense under *Section 21.11, Penal Code* (Indecency with a Child), the professional shall make a report not later than the 48th hour after he or she first suspects abuse, neglect or other infraction. A professional may not delegate to or rely on another person to make the report.

Any individual who witnesses, either a child in imminent danger or a crime against a child in progress should immediately call 911. The designated individual shall make a report in the manner required by this paragraph if he or she has cause to believe that an adult was a victim of abuse or neglect and determines, in good faith, that disclosure of the information is necessary to protect the health and safety of another child or an elderly person (*as defined by Section 48.002, Texas Human Resources Code*).

The person making a report shall identify, if known (1) the name and address of the child; (2) the name and address of the person responsible for the care, custody or welfare of the child; and, (3) any other pertinent information concerning the alleged or suspected abuse or neglect.

The requirement to report applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproductive services.

Suspected child abuse or neglect must be reported when a person learns of an allegation. Failure to comply with the reporting requirements of this policy is a violation of state criminal law and may subject faculty, staff or students to disciplinary action, up to and including termination or expulsion.

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2. Definitions

Abuse – includes the following acts or omissions by a person:

- a. Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development or psychological functioning;
- b. Causing or permitting a child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development or psychological functioning;
- c. Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- d. Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- e. Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of a young child or children, indecency with a child, sexual assault, or aggravated sexual assault;
- f. Failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- g. Compelling or encouraging a child to engage in sexual conduct, including compelling or encouraging the child in a manner that to engage in conduct that constitutes an offense of trafficking of persons, prostitution, or compelling prostitution;
- h. Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene, or pornographic;
- i. The current use by a person of a controlled substance in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
- j. Causing, expressly permitting, or encouraging a child to use a controlled substance;
- k. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child; or
- l. Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable by law.

Child/Minor– means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.

Designated Individual: Any person, whether employed, an independent contractor, or volunteer that has contact with a child/minor. Examples of designated individuals include, but are not limited to, faculty, staff, student workers (student assistants, including work-study), graduate, teaching and/or research assistants, volunteers and contracted employees.

Neglect – includes:

- a. The leaving of a child in a situation where the person knows or should know that the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child; or
- b. The following acts or omissions by a person who knows or should know that:
 - Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

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- Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
 - The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
 - Placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or
 - Placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse committed against another child; or
- c. The failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

Person responsible for a child's care, custody, or welfare – means a person who traditionally is responsible for a child's care, custody or welfare, including:

- a. a parent, guardian, managing or possessory conservator, or foster parent of the child;
- b. a member of the child's family or household as defined by Texas Family Code Chapter 71;
- c. a person with whom the child's parent cohabits;
- d. school personnel or a volunteer at the child's school; or
- e. personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides.

Professional - an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

Report – means a report that alleged or suspected abuse or neglect of a child has occurred or may occur.

3. Training

All designated individuals and professionals are required to complete training in prevention techniques for and the recognition of symptoms of sexual, physical, emotional or medical abuse and neglect of children as well as the responsibility and procedure for reporting suspected occurrences of such abuse and neglect. The training will include:

- techniques for reducing a child's risk of sexual abuse or other maltreatment;
- factors indicating a child is at risk for sexual abuse or other maltreatment;
- warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms; and
- requirements and procedures for reporting suspected sexual abuse or other maltreatment.

4. Immunity and Retaliation

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from civil or criminal liability that

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might otherwise be incurred or imposed. Filing a false report is a violation of state criminal law and may subject faculty, staff or students to disciplinary action, up to and including termination or expulsion.

The University may not retaliate against a person who in good faith reports child abuse or neglect to the person's supervisor, an administrator of the facility where the person is employed, a state regulatory agency, a law enforcement agency; or, initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

5. **Campus Programs for Minors** (Please also see the [On-Campus Recruitment and Camp Policy](#) and [Procedures Manual](#))

Sam Houston State University requires all camp workers (including volunteers or visitors who will be attending and assisting with the camps) to complete Sexual Abuse and Child Molestation Awareness training in compliance with Section 51.976 of the Texas Education Code (TEC), and pass a criminal background check prior to the start of camp when any of the participants are under the age of 18.

6. **Responsibilities**

AVP of Human Resources or Designee:

- Oversees the Sexual Abuse and Child Molestation Awareness training program, which includes determining the definition and/or scope of what constitutes a “campus program for minors” and “designated individuals” as permitted by law.
- Determines who meets the definition of “designated individuals.”
- Determines which programs meet the definition of “campus programs for minors” within the scope of this policy as permitted by law and completes the required reporting of training to the state.
- The Human Resources Department initiates the criminal background checks based on the list of camp workers received from the SHSU Camp Office.

Academic Deans and Department Heads:

- Deans and Department Heads are responsible for enforcing this policy within their colleges and/or assigned departments.

Director of Visitor Services or Designee:

- Oversees the SHSU Camp Office's coordination of training and background check requirements for camps.
- Acts as liaison between Camp Designees and the Human Resources Department.
- Provides list of camps, camp workers, and dates training was completed to the Human Resources Department.

Directors of Camps for Minors, or Camp Designees:

- Are responsible for enforcing this policy for their summer camp employees and volunteers.
- Are responsible for informing the SHSU Camp Office of times and dates of scheduled camps.
- Provides the SHSU Camp Office with the list of camp workers for each camp.
- Ensures all camp employees and volunteers complete required training and criminal background check prior to the start of each camp.

7. **Procedures**

The Sexual Abuse and Child Molestation Awareness training includes information and examination concerning warning signs of sexual abuse and child molestation. All designated individuals that have contact with minors are required to complete the Sexual Abuse and Molestation Awareness training and

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examination. New University employees and designated individuals must complete the training within the first thirty (30) days of employment.

A Program Director for camps and/or programs involving youth (camp designees) must provide the SHSU Camp Office the name and dates of each camp/program and a list of all camp workers no later than ten (10) business days prior to the start of the camp. All camp workers must complete the online Sexual Abuse and Child Molestation Awareness training and examination and criminal background check prior to working at a camp. The SHSU Camp Office provides the Human Resources Department with a list of camps, camp workers, and dates the training was completed. The Human Resources Department initiates a criminal background check based on the list of camp workers. The Associate Vice President for Human Resources and Risk Management or designee will file the "Campus Program for Minors Information Form" which is available on the Texas Department of State Health Services website (<http://www.dshs.texas.gov/cpm/forms.shtm>) in accordance with state law.

Immediate Threat to a Minor

Any employee who suspects that an incident of child abuse or neglect has occurred or is likely to occur as a part of a Campus Program for Minors or within the university environment, shall immediately call 911 (where that service is available) and the University Police Department (UPD) to ensure the fastest possible response time to protect the child. The person reporting should provide, where possible:

- The child's name, description, age and address
- The name and address of the person responsible for the care, custody or welfare of the child
- Any other information to help authorities assist the child (who, what, when, where).

Timing

It is critical that the report be made as soon as possible. The more time that elapses between the incident and the report, the more difficult it is for authorities to investigate and to get the child the needed and necessary care. Once the incident is reported to law enforcement, notification must be given to the Camp or Program Director (unless he/she is the source of the abuse or law enforcement directs you not to). Provide the Camp or Program Director (a) the name of the law enforcement official who took the report, (b) the time of the report, and (c) a brief summary of your discussion with law enforcement.

Unless instructed by law enforcement to *not* contact the parents/guardians, the Program Director will **immediately** notify the parents/guardians of the children. The Program Director must also file an online report with the Texas Department of Family and Protective Services at the following link:

<http://www.txabusehotline.org/Login/Default.aspx>

CONFIDENTIALITY

Due to the sensitive nature of this type of report, it is important to maintain the highest level of confidentiality and professionalism when reporting.

Relevant Statutes:

Texas Family Code, Chapter 261

Texas Education Code, Section 51.976

Texas Education Code 51.9761