

Child Protection Policy and Reporting Procedures

Unit: Office of Compliance, Ethics, and Regulatory Affairs

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Purpose

The University of Alabama (“the University”) 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 institution’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 policy and procedures.

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 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 abuse.

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 University personnel are participating in a University connected activity off campus, or that University personnel discover as a result of their affiliation with the University. This Policy should not be viewed as limiting any legal, ethical, and/or professional reporting obligations any University personnel may have separate and apart from this Policy. If University personnel are subject to additional reporting obligations, the University personnel should comply with those obligations as well as this Policy.

A “child” is any person under 18 years of age.

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 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. It is the University’s position that, in addition to the mandated statutory reporting requirements for certain individuals and entities, all University personnel 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.

Definitions of Child Abuse and Neglect

No form of child abuse, whether physical, emotional, or sexual, will be permitted or tolerated under any circumstances whatsoever. Child abuse is morally and legally wrong. It can come in many forms.

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” 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.

Negligent treatment or maltreatment of a child includes the failure to provide adequate food, medical treatment, supervision, clothing, or shelter.

Reporting Procedures

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 abuse or neglect, it is not required that you have proof that abuse or neglect has occurred. Any uncertainty in deciding to report suspected abuse or neglect should be resolved in favor of making a good faith report.

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

- 1. Immediately** report the information to The University of Alabama Police Department at **205-348-5454**. 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.
- 2.** Do not directly question or solicit information from the child or from the person suspected of improper behavior. Likewise, do not delay making a report to gather evidence. That is not your role; the role of investigation lies with city, county, and state officials.
- 3.** In addition to making an oral report, you must also complete a [Child Abuse or Neglect Report Form](#) and deliver the same to the UA Police Department. It shall be the responsibility of the UA Police Department 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 President, Provost, Vice President for Financial Affairs, General Counsel, Executive Director for Institutional Compliance, and Director of Risk Management. It shall be the responsibility of the University President to notify the Board of Trustees of the incident. Further, it shall be the responsibility of the UA Police Department 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 UA Police Department shall advise the reporter that such report has been made. Finally, the UA Police Department shall be responsible for maintaining all records and reports related to the incident and to brief university officials as needed.

Prohibition on Retaliation and Immunity from Liability

Any person who makes a good faith report of child abuse or neglect shall not be subjected to retaliation. 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

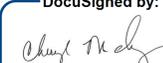
Pursuant to ALA. CODE § 26-14-13, any mandatory reporter who fails to report child abuse “shall be guilty of a misdemeanor and shall be punished by a sentence of not more than six months' imprisonment or a fine of not more than \$500.00.”

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

Scope

This policy applies to all individuals with responsibilities that involve interaction with children, 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.

Office of the Vice President of Financial Affairs

Signed:  9/15/2017
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