

UW-Whitewater
Mandatory Reporting of Child Abuse and Neglect
Executive Order #54

I. Background

The University of Wisconsin-Whitewater prioritizes safety and strives to provide a safe learning environment for everyone. Children come into contact with the University of Wisconsin-Whitewater through various programs, camps, and events. On December 19, 2011, the Governor signed Executive Order #54, which requires that all University of Wisconsin System employees must report incidents of child abuse and neglect. In addition, this policy extends that obligation to volunteers and contractors performing services for UW-Whitewater.

II. Definitions

A. "Abuse" of a child includes any of the following:

1. Physical injury inflicted on a child by other than accidental means. "Physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising or great bodily harm.
2. Sexual intercourse or sexual contact with a child under the age of 16 or with a 16 or 17 year-old child without his or her consent.
3. Sexual exploitation of a child. Sexual exploitation of a child occurs when a person employs, uses, persuades, induces, entices, or coerces any child to engage in sexually explicit conduct for the purpose of recording or displaying the conduct or records or displays a child engaged in sexually explicit conduct. Sexual exploitation of a child also occurs when a person produces, performs in, profits from, promotes, imports into the state, reproduces, advertises, sells, distributes, or possesses with intent to sell or distribute, any recording of a child engaging in sexually explicit conduct.
4. Permitting, allowing or encouraging a child to violate the statute prohibiting prostitution.
5. Causing a child to view or listen to sexual activity for purposes of sexual arousal or sexual gratification.
6. Exposing genitals or pubic area to a child or exposing a child's genitals or pubic area for purposes of sexual arousal or sexual gratification.
7. Manufacturing methamphetamine with a child present, or in a child's home (including the premises of a child's home or in a motor vehicle located on the premises of a child's home), or under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child.

8. Emotional damage for which the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms. "Emotional damage" is defined as harm to a child's psychological or intellectual functioning and is evidenced by one or more of the following characteristics exhibited to a severe degree: anxiety, depression, withdrawal; outward aggressive behavior; or a substantial and observable change in behavior emotional response or cognition that is not within the normal range for the child's age and stage of development.

B. "Child" is a person who is less than 18 years of age.

C. "Employee" is any UW-Whitewater employee (including Student Employees).

D. "Neglect" is failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

III. Reporting Requirements

A. Executive Order #54 requires that University of Wisconsin-Whitewater (UW-Whitewater) employees make a report of child abuse or neglect immediately if, in the course of employment, a UW-Whitewater employee observes an incident or threat of child abuse or neglect, or learns of an incident or threat of child abuse or neglect, and the employee has reasonable cause to believe that child abuse or neglect has occurred or will occur.

B. This policy hereby establishes the requirements that volunteers and contractors performing services for UW-Whitewater abide by the same reporting obligations as employees (as stated in Section III.A above) to the maximum extent feasible.

C. You should not delay making a report in order to gather evidence; the authority receiving the report will determine whether such an investigation is warranted.

D. A report must be made personally or by telephone to the University of Wisconsin Whitewater Police Services, County Department of Human/Social Services or to law enforcement.

E. Executive Order #54 does not specifically address whether an employee must report information learned about an adult who was the victim of childhood abuse or neglect. Because making such a report may raise issues relating to state and federal law and professional codes of ethics, before making any report involving an adult who was the victim of child abuse or neglect, employees should contact UW System General Counsel at: 608-262-2995.

F. Child abuse or neglect involving UW-Whitewater includes:

1. An allegation against a UW-Whitewater employee, student, agent, volunteer, or contractor, or
2. The suspected child abuse or neglect occurred in or at UW-Whitewater facilities or on UW-Whitewater land, or
3. The suspected child abuse or neglect occurred during or in connection with a UW-Whitewater sponsored activity.

G. A UW-Whitewater employee who is a mandatory reporter by profession under Wis. Stat. § 48.981(2) (e.g., health practitioner, social worker, law enforcement officer, child care provider) must continue to comply with the state mandatory reporter law requirements.

H. UW-Whitewater employees may share information regarding suspected child abuse or neglect only with appropriate individuals, such as the agencies to whom reports are to be made, appropriate University officials, and co-workers when the employee is promptly seeking additional information for a report. Beyond appropriate disclosures, employees should treat the information as sensitive and confidential.

I. Questions regarding the applicability of these requirements to a particular individual or situation should be directed to UW Whitewater Police Services.

J. Any Employee of UW-Whitewater who is the subject of an investigation or is charged with Child Abuse or Neglect or charged with First, Second or Third Degree Sexual Assault *regardless of whether it is on the job or off*, must report the allegation and/or charge to the Director of the Office for Human Resources and Diversity or UW-Whitewater Police Services.

IV. Policy Implications and Consequences

A. No UW-Whitewater employee making a report of child abuse or neglect in good faith may be discharged from employment, disciplined or otherwise discriminated against in regard to employment, or threatened with any such treatment because that employee made a report in good faith.

B. Any UW-Whitewater employee who fails to report suspected child abuse or neglect in violation of this policy may be found to be in violation of an applicable work rule and may be subject to disciplinary action up to and including termination of employment.

C. Any UW-Whitewater employee who fails to report that they are a subject of investigation or have been charged with Child Abuse or Neglect investigation or sexual assault may be subject to disciplinary action up to and including termination of employment.

V. Responsibilities of UW-Whitewater

A. Criminal background checks will be performed pursuant to the background check policies for UW-Whitewater, and must be conducted on employees, volunteers, and contractors who have regular contact with children in the course of performing duties or services for UW-Whitewater or in connection with a UW-Whitewater sponsored activity.

B. All contractual arrangements must require the contractor to supply employees that have passed criminal background checks, if such employees will have regular contact with children.

C. To the maximum extent feasible, UW-Whitewater will include, in all written contracts for the provision of services by independent contractors, an obligation to report incidents of child abuse and neglect. Whenever possible, written contracts shall include the following provision (or alternative language as approved by legal counsel):

If, in the course of providing services to UW-Whitewater, a contractor (or its agent or employee) observes an incident of child abuse or neglect, or learns of an incident of child abuse or neglect and the contractor (or its agent or employee) has reasonable cause to believe that child abuse or neglect has occurred or will occur, contractor (or its agent or employee) must make a report of that child abuse or neglect to UW-Whitewater Police Services as provided in UW-Whitewater's Policy on Mandatory Reporting of Child Abuse and Neglect.

D. UW-Whitewater employees and volunteers will receive training or education on the subject of child abuse and neglect; this training or education may differ depending upon (1) the type and degree of contact the individual may have with children on campus or (2) other training or education regarding mandatory reporting an individual might receive due to his or her profession.

E. UW-Whitewater employees and volunteers will be informed through handbooks, institutional websites, or other appropriate means about:

1. Executive Order #54;
2. Institutional policies and procedures;
3. Contact information for the UW Police Services.

F. UW-Whitewater will provide and/or post information in appropriate areas to notify children who to contact if they are a victim of child abuse or neglect.

G. Any documentation related to a UW-Whitewater employee or volunteer report of child abuse or neglect will be stored and maintained in a secure location.