

RADFORD UNIVERSITY

Policy Title: Reporting Suspected Child Abuse or Neglect Policy	Effective Date: 7/1/2017
Policy Number: HR-PO-1402	Date of Last Review: 7/31/2020
Oversight Department: Department of Human Resources	Next Review Date: 8/1/2023

1. PURPOSE

The *Reporting Suspected Child Abuse or Neglect Policy* for Radford University (University) is designed to educate University employees on their legal requirement (Code of Virginia § 63.2-1509) to report the suspected abuse or neglect of a child at Radford University and identify the protocol for filing such reports. This policy seeks to ensure compliance with Virginia laws related to the mandatory reporting of suspected child abuse or neglect.

2. APPLICABILITY

The *Reporting Suspected Child Abuse or Neglect Policy* applies to all University employees.

3. DEFINITIONS

Abused or Neglected Child: Code of Virginia § 63.2-100 defines an abused or neglected child as any child under 18 years of age:

- Who is without parental care or guardianship caused by unreasonable absence, or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis
- Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.
- Whose parent(s), or other person responsible for his or her care:
 - creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a non-accidental physical or mental injury
 - creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions upon such child
 - allows such child to be present either (i) during the manufacture or attempted manufacture of a Schedule I or Schedule II controlled substance, or (ii) during the unlawful sale of such substance, where such activity would constitute a felony violation of Code of Virginia § 18.2-248

- abandons such child, or neglects or refuses to provide necessary care for the health of such child
- commits or allows to be committed upon such child any act of sexual exploitation or any sexual act in violation of law
- knowingly leaves such child alone in the same dwelling with a person, not related by blood or marriage, who has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to Code of Virginia § 9.1-902

University Employee (Employee): Any person employed by the University as a teaching faculty, administrative or professional faculty, classified employee, part-time or wage employee, student employee, work/study employee, or any other person paid through the University's payroll process.

4. POLICY

- A. Any employee, who in their official or professional capacity, has reason to suspect that a child is an abused or neglected child, is required (pursuant to this policy and Code of Virginia § 63.2-1509) to report the matter as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect.
- B. Any employee making a report or providing records or information pursuant to this policy and Code of Virginia § 63.2-1509, or who testifies in any judicial proceeding arising from such reports or information, is immune from civil or criminal liability, or administrative penalty or sanction, unless such employee acts in bad faith or with malicious purpose.
- C. Any employee who fails to file a report within the time required by law (see Section 4.A.) may be fined not more than \$500 for the first failure, and not less than \$1,000 for subsequent failures. Employees who knowingly and intentionally fail to make reports in cases involving rape, sodomy, or object sexual penetration, may be guilty of a Class 1 misdemeanor. Additionally, the employee may be subject to disciplinary actions under applicable standards of conduct for failure to comply with this policy.

5. PROCEDURES

A. Reporting Incidents

- 1. Employees **must** report incidents to one of the following:
 - a. The local office of the Virginia Department of Social Services (in Radford, [Radford Department of Social Services](#), (540) 731-3663)
 - b. The Virginia Department of Social Services state-wide toll-free child abuse or neglect hotline (1-800-552-7096)
- 2. The employee making the report must disclose all information that is the basis for his or her suspicion to the Department of Social Services, and upon request, must make available any information, records, or reports that document the basis for the report.

3. In addition to the required reporting above, employees may also report incidents, as appropriate, to one or both of the following:
 - a. The Radford University Police Department at (540) 831-5500
 - b. The Radford University Department of Human Resources at (540) 831-5008

B. Investigations

The employee making a report must cooperate with the investigating agency and must make related information, records, and reports available to the investigating agency unless such disclosure violates the Family Educational Rights and Privacy Act.

C. Additional Information

Human Resources staff will be available to discuss the provisions and procedures of this policy with employees needing additional information.

6. EXCLUSIONS

An attorney employed by the University is not required to report information obtained in the course of providing legal representation under this policy.

A regular minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination, usually referred to as a church, is not required to report information required by the doctrine of the religious organization or denomination to be kept in a confidential manner.

Employees are not required to make a report if he or she has actual knowledge that the same matter has already been reported to Department of Social Services.

7. APPENDICES

None

8. REFERENCES

[20 U.S. Code § 1232, and 34 CFR Part 99](#), “Family Educational Rights and Privacy Act (FERPA)”

[22 U.S. Code, Chapter 78 \(§ 7102 et seq.\)](#), “Trafficking Victims Protection”

[42 U.S. Code, Chapter 67 \(§ 5101 et seq.\)](#), “Child Abuse Prevention and Treatment and Adoption Reform”

[Code of Virginia § 9.1-902](#), “Offenses requiring registration.”

[Code of Virginia § 18.2-248](#), “Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties.”

[Code of Virginia § 63.2-100](#), “Definitions.”

[Code of Virginia § 63.2-1509](#), “Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; penalty for failure to report.”

9. INTERPRETATION

The authority to interpret this policy rests with the President of the University and is generally delegated to the Vice President for Finance and Administration & Chief Financial Officer.

10. APPROVAL AND REVISIONS

The President of the University and the President's Cabinet have approval authority over this policy and all subsequent revisions.

The new *Reporting Suspected Child Abuse or Neglect Policy* for Radford University was submitted for review in accordance with the *University Policy Management Policy*. The new policy was approved by the President's Cabinet on June 28, 2017. President Hemphill signed the new policy on July 5, 2017.

In July 2020, the *Reporting Suspected Child Abuse or Neglect Policy* was reviewed by the oversight department and the Office of Policy and Tax Compliance. Only minor editorial changes were made that did not affect the substance or intent of the policy.

For general information concerning University policies, contact the [Office of Policy and Tax Compliance](#) – (540) 831-5794. For questions or guidance on a specific policy, contact the Oversight Department referenced in the policy.