

CHILD ABUSE/NEGLECT REPORTING POLICY & PROCEDURES

I. CHILD ABUSE/NEGLECT REPORTING POLICY

In accordance with applicable laws regarding the welfare of children, Tulane has issued the following *Child Abuse/Neglect Reporting Policy & Procedures* [“Policy”] to explain the responsibility of Tulane Employees to report Child Abuse, Neglect and/or Crimes against the Child as described below.

A. PURPOSE

The purpose of the Policy is to set forth the requirements applicable to all Employees of Tulane University for reporting incidents of actual or suspected Child Abuse, Neglect and/or Crimes against the Child. This Policy explains who is required to report Child Abuse, Neglect and/or Crimes against the Child, when reporting is required, and the process for reporting suspected Child Abuse, Neglect and/or Crimes against the Child.

B. POLICY DEFINITIONS

1. A **“Child”** is a person under eighteen years of age. A Child cannot consent to a sexual relationship of any kind.

2. **“Child Abuse”** means the commission of any act by an individual which endangers the physical, mental, or emotional health and safety of a Child. This includes, but is not limited to, (a) the infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person; (b) the exploitation or overwork of a child by a parent or any other person; or (c) the involvement of the child in any sexual act or the aiding or toleration of the child’s sexual involvement with any other person or of the child’s involvement in pornographic displays, or any other involvement of a child in sexual activity.

3. A **“Crime against the Child”** includes the commission of or the attempted commission of any of the following crimes against a Child:

- Homicide, battery, assault, rape, sexual battery, kidnapping, criminal neglect, criminal abandonment, incest, carnal knowledge of a Child, indecent behavior with a Child, pornography involving Children, molestation of a Child, crime against nature, cruelty to a Child, contributing to the delinquency or dependency of a Child, sale of minor

Children, human trafficking, and trafficking of a Child for sexual purposes.

4. “**Neglect**” means the refusal or unreasonable failure of a parent or caretaker to supply the child with minimally adequate food, clothing, shelter, care, treatment, or medical care for any injury, illness, or condition of the child, as a result of which the child’s physical, mental, or emotional health and safety is substantially threatened or impaired.

5. An “**Employee**” for purposes of this policy includes all University faculty, administrators, staff, student workers and individuals affiliated with Tulane University by contract (including non-employees, such as vendors, volunteers, interns, and independent contractors) who are providing services at any University location.

6. The following individuals are “**Mandatory reporters**” under Louisiana law:

- “Health Practitioners” – Any individual who provides health care services involving the diagnosis, examination or treatment of a Child or his family. This includes physicians, surgeons, physical therapists, dentists, residents, interns, hospital staff members, podiatrists, chiropractors, licensed nurses, nursing aides, dental hygienists, emergency medical technicians, paramedics, optometrists, and medical examiners.
- “Mental health/social service practitioners” – Any individual who provides mental health care or social service diagnosis, assessment, counseling or treatment, or who provides counseling services to a Child or his family. This includes psychiatrists, psychologists, marriage or family counselors, social workers, members of the clergy or other individuals who provide counseling services to a child or his family.
- “Teaching or Child Care Provider” – Any person who provides or assists in teaching, training, and supervising a Child, or who provides such services in a volunteer or professional capacity. This includes teacher’s aides, bus drivers, coaches, professors, university administrators, university staff members, social workers, or day care providers.
- Police officers or law enforcement officials.
- “Organizational or youth activity provider” – Any person who provides organized activities for Children including administrators, employees, or volunteers of any day camp, summer camp, youth center, or youth recreation programs.
- School coaches, including university coaches and coaches of intramural or interscholastic athletics.

C. REPORTING PROCEDURES

All University Employees are required under this Policy to report suspected Child Abuse, Neglect and/or Crimes against the Child of which they have knowledge, or which they have reasonable cause to suspect has occurred. For purposes of this Policy, “reasonable cause” means a basis for judgment that rests on specific facts, either directly observed or obtained from reliable sources, that supports a belief that a particular event probably took place or a particular condition probably exists. **This reporting obligation includes ALL Tulane Employees as defined above.**

Any uncertainty as to whether reporting is required should always be resolved in favor of making a report pursuant to this Policy.

First, all University Employees are required to IMMEDIATELY report all suspected cases of Child Abuse, Neglect and/or Crimes against the Child to the Tulane University Police Department (“TUPD”).

- Contact Information:
 - Uptown Campus: Dial Ext. 5911 (on-campus)
Dial (504) 865-5911 (cell phone or off-campus)
 - Downtown Campus: Dial Ext. 5-5555 (on-campus)
Dial (504) 988-5555 (cell phone or off-campus)
 - Online Reporting Form: https://tulane.edu/police/report_a_crime.cfm

If a University Employee sees a Child in imminent danger or a Crime against the Child in progress, the Employee shall immediately call 911.

Second, if an Employee is also a Mandatory Reporter, he/she must also immediately and directly report suspected Child Abuse, Neglect and/or Crimes against the Child to the Department of Children and Family Services/Child Welfare (“DCFS”) and/or local law enforcement officials.

- **If Alleged Perpetrator is a Parent or Caretaker:**
 - Call DCFS Child Abuse Hotline: 865-4LA-Kids (865-452-5437)
Toll Free 24 hrs per day, 365 days per year
- **If Alleged Perpetrator is an individual other than a Parent or Caretaker:**
 - Call New Orleans Police Dept.: (504) 821-2222 (non-emergency, file report)
Dial 911 (emergency, imminent danger to Child)

Third, all Employees must also report this information to his/her immediate supervisor within 24 hours of making the initial report to TUPD and/or DCFS or local law enforcement officials.

D. FORM OF REPORTING

Oral Reports. An initial oral report is acceptable, but a written report by the Employee detailing the suspected Child Abuse, Neglect and/or Crimes against the Child is required within 24 hours of the initial oral report.

Written reports should be submitted via the University's Campus Reporting Form located at <https://publicdocs.maxient.com/incidentreport.php?TulaneUniv>.

If an Employee is a Mandatory Reporter under the law, he/she must also send a written report to DCFS or law enforcement within five calendar days of any oral report. A copy of this written report should also be forwarded immediately to the Office of General Counsel.

The "Written Report Form for Mandatory Reporters of Child Abuse/Neglect" is available from the Louisiana Department of Children and Family Services/Child Welfare at <http://www.dss.state.la.us/assets/docs/searchable/OCS/CPI-2.pdf>. Mandatory Reporter forms should be faxed to the **Orleans Parish Child Welfare Office at (504) 680-9103**.

Written Reports. Written reports should endeavor to include the following, if known:

- Name, age and birthdate of Child involved;
- Name and contact information of Child's parents or caretaker;
- Identity and contact information of individual making the report;
- Relationship between individual making the report and the Child;
- Identity and contact information of alleged perpetrator;
- Time, date and location of alleged incident; and
- Specific factual details of allegedly inappropriate conduct.

E. REPORTING AND POLICY RESPONSIBILITIES

1. Employees

All Employees must be familiar with and abide by this Policy.

All Employees must engage in appropriate conduct when interacting with Children.

All University Employees are required under this Policy to report suspected Child Abuse, Neglect and/or Crimes against the Child of which they have knowledge, or which they have reasonable cause to suspect has occurred.

Employees shall cooperate with all official internal and external investigations arising from the Employee's report of suspected Child Abuse, Neglect and/or Crimes against the Child.

2. Tulane University Police Department (“TUPD”)

Upon receipt of a report of suspected Child Abuse, Neglect and/or Crimes against the Child under this policy, TUPD shall report the suspected Child Abuse, Neglect and/or Crimes against the Child to the Department of Children and Family Services/Child Welfare and to local law enforcement. The initial reports are to be made orally, and immediately.

TUPD shall NOT make an independent determination of whether to report an allegation of Child Abuse, Neglect and/or Crimes against the Child.

TUPD will follow-up oral reports to DCFS and local law enforcement with an additional written report within five calendar days of the initial oral report.

TUPD will cooperate with DCFS and/or local law enforcement agencies and facilitate any investigations initiated by either agency into reports of suspected Child Abuse, Neglect and/or Crimes against the Child.

TUPD shall maintain a confidential written record of all reports made under this Policy.

Internal Reports to be made by TUPD:

Reporting Employee. TUPD shall promptly notify the reporting Employee that a report has been made to the DCFS Hotline and local law enforcement. However, notice to the Employee of a report made by TUPD does not replace the additional independent and direct reporting obligation of any Employee who is also a Mandatory Reporter under the law.

“Mandatory Reporter” Employees. If a reporting Employee is a “Mandatory Reporter”, TUPD will verify whether the Employee has made an independent, direct oral and/or written report of suspected Child Abuse/Neglect to DCFS and/or local law enforcement. If the Employee has not already done so, TUPD may assist the Employee as needed to immediately make such a report (e.g. provide contact information, or a blank copy of reporting form). However, the obligation for making a mandatory report of suspected Child Abuse, Neglect and/or Crimes against the Child remains at all times with the “Mandatory Reporter” Employee. Under no circumstances, will TUPD or any designated agent of Tulane attempt to exercise any control, restraint or modification to any oral or written report by a “Mandatory Reporter” Employee to DCFS or local law enforcement.

Office of the General Counsel. TUPD shall promptly notify the Office of the General Counsel that a report of suspected Child Abuse, Neglect and/or Crimes against the Child has been received.

Workforce Management Office. If a University Employee is the alleged perpetrator of suspected Child Abuse, Neglect and/or Crimes against the Child, TUPD shall also promptly notify the Workforce Management Organization of the allegations.

Office for Student Affairs. If a University Student is the alleged perpetrator of suspected Child Abuse, Neglect and/or Crimes against the Child, TUPD shall also promptly notify the Vice President for Student Affairs of the allegation.

3. Vice Presidents, Deans, Department Chairpersons and Employee Supervisors

- Ensure that the requirements of this Policy are communicated to all staff upon initial hiring and at relevant times thereafter.
- Cooperate fully with any internal or external investigations that arise from an allegation of suspected Child Abuse, Neglect and/or Crimes against the Child.

4. Workforce Management Organization

- Consult with the appropriate Vice President, Dean, Department Chairpersons and/or Employee Supervisor regarding any allegations of Child Abuse, Neglect and/or Crimes against the Child against a University Employee.
- Consult with the appropriate Vice President, Dean, Department Chairpersons and/or Employee Supervisor regarding any potential disciplinary actions for any University Employee accused of Child Abuse, Neglect and/or Crimes against the Child, both during and after completion of external investigations into the allegation.
- Provide support as needed to ensure University Employees are educated regarding the requirements of this Policy.

F. DISCIPLINARY ACTION

When a University Employee is the alleged perpetrator of Child Abuse, Neglect and/or Crimes against the Child, the Employee's immediate Supervisor, in consultation with the appropriate Vice President, Dean or Department Chairperson and the Workforce Management Organization, will remove the Employee from all activities involving direct contact with Children until the matter is fully investigated and resolved.

Depending on the circumstances and severity of the alleged conduct, an Employee accused of Child Abuse, Neglect and/or Crimes against the Child may also be suspended or granted leave (with or without pay), pending investigation of the accusation.

Any Employee found to have engaged in Child Abuse, Neglect and/or Crimes against the Child will be immediately dismissed from Tulane and will not be eligible for rehire with the University in the future.

In the event an external investigation by DCFS and/or local law enforcement is dismissed against an Employee, regardless of the basis for the dismissal, the Employee may still be subject to disciplinary action for any violations by the Employee of his employment contract, applicable codes of conduct, and/or University and department policies and procedures. All disciplinary actions will be in accordance with applicable employment contracts, University policies, and disciplinary procedures, as described in the Faculty and Staff Handbooks.

G. FALSE ACCUSATIONS FORBIDDEN

All good faith reports of suspected Child Abuse, Neglect and/or Crimes against the Child are encouraged and required to be made in accordance with this Policy.

It is expressly noted, however, that false accusations of Child Abuse, Neglect and/or Crimes against the Child will have a serious impact on innocent individuals and that making knowingly false accusations Child Abuse, Neglect and/or Crimes against the Child is not condoned in any way.

Due to the seriousness of a knowingly false accusation of this nature, Tulane reserves the right to impose disciplinary actions, up to and including termination, based on the severity of the conduct by any Employee who knowingly makes a false report of Child Abuse, Neglect and/or Crimes against the Child. All disciplinary actions will be in accordance with applicable employment contracts, University policies, and disciplinary procedures, as described in the Faculty or Staff Handbooks.

H. CONFIDENTIALITY

The University will strive, to the extent allowed by the law, to protect the privacy of all persons involved in allegations of Child Abuse, Neglect and/or Crimes against the Child. University Employees who make a good faith report of Child Abuse, Neglect and/or Crimes against the Child, and those who become aware of such a report in the course of the University's reporting and cooperation with state investigatory and/or law enforcement agencies, must only discuss the allegations with authorized persons or agencies directly involved in the reporting or investigation of the allegation who have a legitimate need to know such information. Unauthorized discussions of a report of Child Abuse, Neglect and/or Crimes against the Child could not only violate the legal rights of the potential victim or suspect, but may also negatively (and potentially unlawfully) interfere with ongoing investigations into the matter.

Any Employee who receives an unsolicited inquiry from an individual or agency (e.g. media inquiry) not directly involved in the reporting or investigation of suspected Child Abuse, Neglect and/or Crimes against the Child should decline to comment and refer the individual or agency making the inquiry to Tulane's Office of University

Communications. The Employee should also promptly notify his/her Supervisor of the receipt of an unsolicited inquiry and by whom the inquiry was made.

Failure of an Employee to abide by the Confidentiality provision of this Policy may result in disciplinary action, up to and including termination.

I. ANONYMOUS REPORTS

Louisiana law requires the identity and contact information of individuals reporting suspected Child Abuse, Neglect and/or Crimes against the Child. However, in the event a University Employee receives an anonymous report of suspected Child Abuse, Neglect and/or Crimes against the Child, the Employee shall immediately report the anonymous report in accordance with this Policy.

The University, in turn, will immediately take all appropriate actions in accordance with this Policy, to the fullest extent possible, to report all anonymous reports of Child Abuse, Neglect and/or Crimes against the Child.

J. RETALIATION

Retaliation against any Employee who makes a good faith report of suspected Child Abuse, Neglect and/or Crimes against the Child, or who has been involved in reporting, investigating, or responding to a report of Child Abuse, Neglect and/or Crimes against the Child, is a violation of this Policy.

No University Employee will be disciplined for making a good faith report of suspected Child Abuse, Neglect and/or Crimes against the Child in accordance with this Policy. Likewise, the making of a good faith report will not reflect negatively on the Employee, nor will it affect the Employee's working conditions, rights, or privileges.

An Employee who believes he/she has been subjected to retaliation in violation of this Policy should promptly report the alleged retaliation to his/her immediate supervisor. Alternately, an Employee may report alleged retaliation to the Dean or Department Chairperson with which the Employee is affiliated, the Office of Institutional Equity (504-862-8083), and/or the Workforce Management Office (504-865-5280).

K. DISSEMINATION OF POLICY

This Policy will be posted online to all faculty, administrators, staff, student workers, and individuals affiliated with Tulane University by contract, including non-employees, such as vendors, volunteers, interns, and independent contractors. All University Employees who subsequently become affiliated with Tulane University shall be informed of this Policy during their orientation. This Policy may be revised from time to time and such revisions will be posted on the University's website. Any suspected case of Child Abuse, Neglect and/or Crimes against the Child reported under this Policy will be governed by the Policy version in effect at the time the report is made.