

# Rock Valley College

## Abused and Neglected Child Reporting Procedure

### RVC Administrative Procedure (2:10.030)

#### I. PURPOSE

These procedures implement Board Policy 1:20.040 which states that Rock Valley College ("College") shall comply with the Abused and Neglected Child Reporting Act, 325 ILCS 5/1 et seq. (the "Act"), as amended by Public Act 97-0711, and as applicable to College employees who are legally responsible to report suspected abuse or neglect of a child to the Illinois Department of Children and Family Services ("DCFS"). In accordance with the Act, these procedures are also applicable to College students enrolled in an academic program leading to a position as a child care worker, school service personnel and degree in education. For purposes of the Act, "**child**" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the U.S. armed services.

College employees and students who are "**mandated reporters**" are identified in Part II, below. Other key terms appear in boldface type where they appear in these administrative procedures, and are defined in Part VI, below.

#### II. DEFINITIONS

- A. **Abused child** means a child whose parent or immediate family member, or any **person responsible for the child's welfare**, or any individual residing in the same house as the child, or a paramour of the child's parent:
1. Inflicts, causes to be inflicted, or allows to be inflicted on the child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
  2. Creates a substantial risk of physical injury to the child by other than accidental means, which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
  3. Commits or allows to be committed any sex offense against the child, as such offenses are defined in the Criminal Code of 1961, as amended, including but not limited to, child pornography, aggravated child pornography, indecent solicitation of a child, sexual exploitation of a child, custodial sexual misconduct, sexual misconduct with a person with a disability, soliciting for a juvenile prostitute, patronizing a juvenile prostitute, keeping a place of juvenile prostitution, juvenile pimping,

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exploitation of a child, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, and ritualized abuse of a child, or commits any sexually motivated act against a child including kidnapping, aggravated kidnapping, unlawful restraint, aggravated unlawful restraint, forcible detention, child abduction, grooming, or traveling to meet a minor, and extending those definitions of sex offenses to include children under 18 years of age;

4. Commits or allows to be committed an act or acts of torture upon the child;
5. Inflicts excessive corporal punishment;
6. Commits or allows to be permitted against the child the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961; or
7. Causes to be sold, transferred, distributed or given to the child a controlled substance, except for controlled substances prescribed in accordance with state law that are dispensed to the child in a manner that substantially complies with the prescription.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

- B. **Neglected child** means a child whose parent or other **person responsible for the child's welfare** deprives or fails to provide the child with adequate food, clothing, shelter, or needed medical treatment. Neglect may also be alleged when a responsible adult provides inadequate supervision of a child, as when children are left either unsupervised or in the case of someone unable to supervise due to his or her condition.
- C. **Person responsible for the child's welfare** means the child's parent, guardian, foster parent, or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.
- D. **Reasonable cause** to believe abuse or neglect has occurred may exist when there is some actual or circumstantial evidence that the child has been abused or neglected. Actual evidence may consist of obvious pain, or signs of physical injury such as cuts, burns or bruises. Circumstantial evidence may include a child's change of behavior, or implausible stories about injuries or activities.

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## III. EMPLOYEES WHO ARE MANDATED REPORTERS

### A. Mandated Reporters

The Act provides that all personnel of institutions of higher education, all athletic program personnel and all athletic facility personnel are mandated reporters. 325 ILCS 5/4. Mandated reporters are required to immediately report to the DCFS whenever there is **reasonable cause** to believe that a child with whom they have contact in their professional capacity may be **abused or neglected**.

Students enrolled in an academic program leading to a position as a child care worker, school service personnel and/or education degree are also mandated reporters pursuant to the Act.

### B. No Retaliation

The College prohibits retaliation against any employee, student, volunteer or other individual who makes a good faith report of abuse or neglect or who participates in any investigation of abuse or neglect. Anyone found to have engaged in prohibited retaliation under this policy/procedure may be subject to discipline, up to and including termination, expulsion and/or other sanctions.

## IV. REPORTING REQUIREMENTS AND PROCEDURES; PENALTIES FOR NON-COMPLIANCE

### A. Requirements and Procedures

An employee or student who is a mandated reporter and who has **reasonable cause** to believe that **abuse or neglect** has occurred with respect to a child known to the employee in his or her professional capacity shall:

1. Immediately report to the DCFS that he or she believes that a child may be abused or neglected. This initial report may be made by telephone to the DCFS toll-free child abuse hotline number: 1-800-25A-BUSE (1-800-252-2873).
2. Confirm the telephone report in writing on the DCFS' CANTS 5 Form, provided at the end of these procedures. The completed CANTS 5 Form should be sent within 24 hours of the initial report to the nearest local DCFS office by U.S. mail with postage prepaid. The location of the nearest DCFS office is available on the DCFS website at <http://www.state.il.us/dcfs>.
3. Promptly inform his or her supervisor and the Associate Vice President of Student Development that an abuse or neglect report has been

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made and provide the Managing Director of Human Resources with a copy of the written confirmation of the report as submitted on the CANTS 5 Form. Students should provide this information to the Associate Vice President for Student Development.

The Associate Vice President of Student Development or his/her designee shall assist the reporter in further compliance with these procedures if requested to do so. The Managing Director of Human Resources shall maintain in a separate confidential file copies of all CANTS 5 forms submitted to the DCFS by College employees pursuant to the Act, whether as mandated or as permissive reporters.

**Notes:** The Act prohibits anyone, including a supervisor, from suppressing, changing or editing an abuse or neglect report. The reporting employee's or students' name shall not be disclosed to the parent or guardian of the child involved.

## B. Penalties for Non-Compliance

The willful failure of a College mandated reporter to immediately report a case of suspected child abuse/neglect may lead to his or her being charged with a Class A misdemeanor under the Act.

## C. Immunity for Making a Good Faith Report

The Act provides immunity for anyone who makes a report in good faith.

## V. TRAINING AND ACKNOWLEDGMENT OF MANDATED REPORTER STATUS

### A. Training

The College shall make available appropriate training and resources on the Act's requirements to mandated reporters before they commence employment. Available training and resources include:

- On-line training offered by DCFS at <https://www.dcfstraining.org/manrep/index.jsp>, which includes a pre-training assessment, 60-90 minutes of self-paced interactive training, a post-training assessment, and a Certificate of Completion.
- The DCFS Manual for Mandated Reporters which is available on the DCFS website at: <http://www.state.il.us/DCFS/docs/CFS%201050-21%20Mandated%20Reporter%20Manual.pdf>

### B. Acknowledgment of Mandated Reporter Status

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Each employee and student who is mandated by virtue of their employment with the College to report suspected child abuse or neglect pursuant to the Act shall, as a part of orientation and before he or she begins employment, sign the Acknowledgement of Mandated Reporter Status on the DCFS CANTS 22 Form included at the end of these procedures, confirming his or her knowledge and understanding of the reporting requirements of the Act. The signed form shall be maintained in each mandated reporter's personnel or student file.

## **VI. COOPERATION IN INVESTIGATING AND PROSECUTING CHILD ABUSE AND NEGLECT**

All College employees and students are expected to cooperate with the DCFS in identifying child abuse or neglect, in accordance with these procedures.

### **A. On-Campus Interviews of Child by DCFS or Law Enforcement Personnel**

If DCFS personnel or local law enforcement officials seek to conduct an interview at the College with a child suspected of being abused or neglected, they shall direct such a request to the Chief of the College Police Department and Associate Vice President of Student Development. An interview may be allowed if the Associate Vice President of Student Development believes there is good reason for conducting the interview at the College. Associate Vice President of Student Development should request that he or she be present during the interview. If an interview is permitted to take place at the College, the Associate Vice President of Student Development should request that the DCFS employee or local law enforcement officer complete Form No. 1 (provided at the end of these procedures) before conducting the interview.

An interview at the College shall also be allowed upon presentation of a court order. If the interview takes place based on a court order, the Associate Vice President of Student Development shall request a copy of the order. The presence of a College employee at the interview shall be at the discretion of the DCFS employee(s) or law enforcement official(s).

After the interview has been conducted, the Associate Vice President of Student Development may notify the child's parent or guardian of the fact that an interview was conducted by the DCFS or law enforcement personnel pursuant to the Act, but may not disclose any information about the interview.

### **B. Examinations and Photographs**

If DCFS employees or local law enforcement officials seek to physically examine or photograph at the College a child suspected of being abused or neglected, they shall make a request to the Associate Vice President of Student Development. The Associate Vice President of Student Development may grant the request if he or she believes there is good reason for conducting the examination at the College. The Associate Vice President of

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Student Development's decision whether to grant the request shall take into consideration the sex of the child and of the examiner; the age, maturity and sensitivities of the child; and the location of the trauma and its seriousness. The presence of a College employee at the examination and photographing shall be at the discretion of the DCFS employees or law enforcement officials. If the examination or photographing is permitted to take place at the College, the Associate Vice President of Student Development should request that the DCFS or law enforcement personnel complete Form No. 2 (provided at the end of these procedures) before examining or photographing the child.

Examination or photographing of the child shall be allowed upon presentation of a court order. If the examination or photographing takes place based on a court order, the Associate Vice President of Student Development shall request a copy of the order. The presence of a College employee at the examination or photographing shall be at the discretion of the DCFS employees or law enforcement officials.

After the examination or photographing has been conducted, the Associate Vice President of Student Development may notify the child's parent or guardian of that fact unless prohibited from doing so by a court order, but may not disclose any further information concerning the DCFS or law enforcement investigation.

## **C. Temporary Custody / Temporary Protective Custody**

If a DCFS employee assumes temporary protective custody pursuant to the Act, or a local law enforcement official assumes temporary custody pursuant to the Juvenile Court Act (705 ILCS 405/1-1 et seq.), the Associate Vice President of Student Development shall request that the person who is assuming temporary protective custody or temporary custody complete Form No. 3 (provided at the end of these procedures) before doing so.

## **D. Judicial Proceedings**

College employees and students shall testify fully in any judicial proceeding resulting from a report of abuse or neglect, and shall comply with all court orders and subpoenas.

## **VII. CHILD ABUSE OR NEGLECT ALLEGATIONS AGAINST COLLEGE EMPLOYEES**

In the event that allegations of child abuse or neglect committed at the College or on College grounds are made against a College employee, the procedures set forth in the foregoing provisions shall apply unless the alleged perpetrator is the Managing Director of Human Resources. In that event, the functions to be performed under these procedures by the Managing Director of Human Resources shall be conducted by the Associate Vice President of Student Development.

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If an instructor is alleged to have engaged in child abuse or neglect, the investigation shall not, to the extent possible, take place when the instructor is scheduled to conduct classes. If the allegation is against any other College employee, the investigation shall be conducted so as to minimize disruption.

Any College employee who is accused of child abuse or neglect may have his or her supervisor, association or union representative (if any) attend any investigatory interview or meeting at which the employee is present.

At any interview or meeting held by DCFS with a College employee regarding an allegation of sexual abuse or neglect, the DCFS representative shall inform the employee of the employee's due process rights, and of the steps in the investigative process.

If the report against an instructor or administrator does not involve allegations of sexual abuse or extreme physical abuse, DCFS shall make reasonable efforts to conduct the initial investigation in coordination with the employee's supervisor. If the report against an instructor or administrator does involve allegations of sexual abuse or extreme physical abuse, the Act requires DCFS to commence its investigation immediately.

**Reference:** Board Report #6926

**Implemented:** August 28, 2012