



*All University Faculty, Staff, Students and Volunteers University Administrators and
University Police Department*

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
MANDATORY REPORTING OF CHILD ABUSE, ABANDONMENT AND NEGLECT	June 2, 2017	140.130

POLICY STATEMENT (R*)

General Child Abuse, Abandonment and Neglect Reporting Obligations

The provisions of this policy apply to all Florida International University (FIU) faculty, staff, students and volunteers. This policy implements the mandatory reporting obligations in Florida law regarding child abuse, abandonment and neglect.

In the State of Florida, any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned or neglected must immediately report this information to the Florida Department of Children and Families (DCF) in order that no harm comes to the child.

In the course of their employment, research, service and/or academic endeavors, all FIU faculty, staff, students and volunteers are expected to report instances of child abuse, abandonment and neglect which they know of or have reasonable cause to suspect. FIU strives to create an environment where anyone who knows of, or has reasonable cause to suspect, child abuse, abandonment or neglect feels empowered to report it without any fear of retaliation.

Additionally, any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender must immediately report the information to the DCF.

The means to contact DCF are set forth below in the Procedures section.

Special Rules for FIU Administrators and FIU Police Department Personnel

Each FIU Administrator (as defined in this policy) or FIU Police Department personnel who receives information from a FIU faculty, staff or other employee of known or suspected child abuse, abandonment, or neglect committed on the property of the university or during an event or function sponsored by the university is required to report such information immediately to DCF. Reporting to DCF by FIU Police Department personnel shall be in accordance with their established procedures.

A report must be made by the FIU Administrator to DCF in every instance in which he or she learns of known or suspected child abuse abandonment, or neglect committed on the property of the university or during an event or function sponsored by the university even if the FIU Administrator knows that a report to DCF has already been made by another individual or department (e.g., Police Department). Thus, if multiple FIU Administrators learn of the known or suspected child abuse, abandonment, or neglect at the same time, it is advisable for all Administrators to submit one report to DCF via fax that includes the names of all Administrators with knowledge, or for all Administrators to be on the same telephone call with DCF. If a telephone call is made, the signatures of those present should be recorded for internal purposes. Circumstances may dictate that one method be used over the other.

If the child is in imminent danger or risk of harm and requires immediate protection, contact the FIU Police Department or 911 prior to contacting DCF.

Knowing and willful failure by any FIU Administrator or FIU Police Department personnel to report this information to DCF may lead the Florida Board of Governors to impose a \$1 million fine against FIU. A \$1 million fine may also be imposed by the Florida Board of Governors against FIU in any instance wherein an FIU Administrator knowingly and willfully prevents another person from making a report to DCF.

Violation of this policy may lead to appropriate disciplinary action, up to and including termination of employment.

REASON FOR POLICY (O*)

This policy provides guidance regarding mandatory reporting requirements for child abuse, abandonment, and neglect pursuant to Fla. Stat. Sections 39.201 and 39.205; procedures for reporting and consequences for failure to report. This law was revised during the 2012 regular session of the Florida Legislature in order to strengthen child abuse reporting obligations at colleges and universities, private and public alike, by including specific responsibilities for university Administrators and law enforcement agencies and providing fines for failing to meet the statutory requirements.

RELATED INFORMATION (O*)

Florida Statutes, Sections 39.201 and 39.205
Florida Board of Governors Regulation 3.002

DEFINITIONS (R*)

Abuse (Child): means any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions.

Abandoned: means a situation in which the parent, legal custodian of a child, or the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child.

Administrator: In accordance with the Florida Board of Governors Regulation 3.002, "administrator" means the following high level personnel who have been assigned the responsibilities of university-wide academic or administrative functions: university president, provost, senior/executive vice presidents, vice presidents, associate vice presidents, associate/vice provosts, deans, chief of police, equal opportunity programs director, intercollegiate athletics director, internal audit director, Title IX coordinator and university compliance officer.

Adult: means any natural person other than a child.

Alleged juvenile sexual offender: means a child 12 years of age or younger who is alleged to have committed a violation involving a sexual act or act of obscenity, or who is alleged to have committed a violation of law or delinquent act involving juvenile sexual abuse.

Child (Minor): means any unmarried person under the age of 18 years who has not been emancipated by order of the court.

DCF: means the Florida Department of Children and Families.

Harm: to a child's health or welfare occurs when any person inflicts or allows to be inflicted upon the child physical, mental, or emotional injury.

Institutional child abuse: means situations of known or suspected child abuse in which the person allegedly perpetrating the child abuse is an employee of a private school, public or private day care center, institution, facility, or agency or any other person at such institution responsible for the child's care.

Juvenile (Children) sexual abuse: means any sexual behavior committed by a juvenile against another juvenile that occurs without consent, without equality, or as a result of coercion.

Law enforcement agency: In accordance with the Florida Board of Governors regulation 3.002, law enforcement agency means the campus police department established by the university (University Police Department). The chief of police for the University Police Department is the reporting individual.

Mandatory Reporter: means any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected.

Neglect: occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live where such deprivation occurs or in an environment that causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.

Professionally Mandatory Reporter: means anyone who is legally required to provide his or her name to the DCF Abuse Hotline when reporting.

- Professionally Mandatory Reporters include, but are not limited to:
 - Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
 - Health or mental health professional;
 - Practitioner who relies solely on spiritual means for healing;
 - School teacher or other school official or personnel;
 - Social worker, day care center worker, or other professional child care, foster care, residential/ institutional worker;
 - Law enforcement officer; or
 - Judge.

Victim: means any child who has sustained or is threatened with physical, mental, or emotional injury identified in a report involving child abuse, abandonment, or neglect, or child-on-child sexual abuse.

PROCEDURES (O*)

How to report suspected child abuse (including childhood sexual abuse), abandonment, or neglect:

1. All instances of known or suspected child abuse, abandonment, or neglect must be reported once you know or have reasonable cause to suspect that a child has been abused, abandoned or neglected, immediately and without delay, to DCF by:
 - Telephone to the **Florida Abuse Hotline: 1-800-96ABUSE** or 1-800-962-2873 or TDD (Telephone Device for the Deaf): 1-800-453-5145 (The toll-free numbers are available 24/7; DCF abuse hotline counselors will assist you);
 - Facsimile: 1-800-914-0004 (Florida Abuse Hotline's fax reporting form is available from DCF at <http://www.dcf.state.fl.us/programs/abuse/docs/faxreport.pdf>); or
 - Web reporting option at <http://www.dcf.state.fl.us/abuse/report/> (Note: Web reporting should not be used for situations requiring immediate attention or if you wish to remain anonymous. Please contact the Hotline's toll-free reporting number if you believe a child is at imminent risk of harm.)
2. If a child is in imminent danger and requires immediate protection, you must first contact law enforcement personnel.
 - On-campus, contact the FIU Police Department at:
 - Modesto Maidique Campus (MMC): (305) 348-5911
 - Engineering Campus (EC): (305) 348-5911
 - Biscayne Bay Campus (BBC): (305) 919-5911
 - All other campuses and off-campus locations: Dial 911
3. When making a report to DCF, the following is necessary to the extent it is available to the person making the report:
 - Victim's name, possible responsible person, or alleged perpetrator's name(s).
 - Complete addresses for subjects and/or directions to their location.
 - Telephone numbers, including area code.
 - Estimated or actual dates of birth.
 - A brief description of the abuse, neglect, abandonment, or exploitation, including physical, mental or sexual injuries, if any.
 - Names of other residents and their relationship to the victim(s), if available.
 - The relationship of the alleged perpetrator to the victim.
4. It is essential to maintain a record of your report to DCF. Reporting by facsimile or Web-based reporting ensures that you will have a written record of your report. If you call the Florida Abuse Hotline, you should make a note of the date and time

of the call and the DCF abuse hotline counselor's first name and three-digit identification number, which are provided when the report is made. You should also record the names of those present during the telephone call with accompanying signatures. You will want to keep this documentation to demonstrate that you made the required report. As this report is confidential, you must keep this documentation in a secure location.

5. Please note that a Mandatory Reporter (see definition) may remain anonymous when making a report to DCF whereas a Professionally Mandatory Reporter (see definition) must identify him/herself when reporting.
6. FIU faculty, staff, students and volunteers are encouraged to inform their supervisors that a report to DCF has been made if it is appropriate under the circumstances. This determination must be made by the reporter upon review of the specific circumstances leading to the report, including any guidance received from DCF. Respecting the privacy of the victim must be weighed against the need that the supervisor may have to take appropriate and immediate action. In addition, FIU faculty, staff, students and volunteers are encouraged to notify the FIU Police Department even in those instances in which the child does not need immediate protection (see paragraph 2 above). Notifying the University Police will help the University remain compliant with its crime statistics reporting obligations under the Clery Act and other applicable federal and state laws.
7. As it relates to sponsored research projects, FIU personnel working on these projects are reminded that the award documentation and/or contractual agreements with the sponsor may require notification not only to DCF, but also to the project sponsor. In the event FIU personnel have any questions regarding their reporting obligations for a specific sponsored project, they must contact the Division of Research Director of Pre-Award for guidance.

Non-Retaliation:

1. No employee of the university may be subjected to retaliation because of good faith reporting of child abuse. Under Florida law, a person who makes a child abuse, abandonment, or neglect report shall have a civil cause of action for compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting person by reason of his or her making such report.
2. Any person, official, or institution reporting in good faith any instance of child abuse to the DCF or any law enforcement agency is immune, by law, from any civil or criminal liability.

Failure to report:

1. A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, commits a felony of the 3rd degree punishable by up to 5 years imprisonment and a \$5,000.00 fine.
2. A person who knowingly and willfully makes a false report of child abuse, abandonment, or neglect, or who advises another to make a false report, is guilty of a felony of the 3rd degree, punishable as provided above.
3. A fine of \$1 million shall be assessed against a university in the event the Florida Board of Governors determines that a university administrator knowingly and willfully failed to make a required report to DCF, or knowingly and willfully prevented another person from doing so.
4. A fine of \$1 million shall be assessed against a university in the event the Florida Board of Governors determines that the university law enforcement agency knowingly and willfully failed to make a required report to DCF.

Training:

In order to better foster a thorough understanding of the obligation to report child abuse, abandonment, or neglect, training will be required for:

- All FIU Administrators, as defined by this policy
- FIU University Police Department personnel
- In addition, appropriate training will be strongly recommended for:
 - All FIU faculty, staff, students and volunteers whose work or services on behalf of FIU require frequent contact with minors
 - Department heads of units that sponsor events, programs or activities on or off campus that anticipate the participation of minors, as well as the employees and volunteers in their units
 - This provision does not replace or supersede existing education and training requirements in the area of child abuse prevention and reporting that are in place at FIU due to licensure, educational, or other professional/occupational requirements.

HISTORY (R*)

Adopted: June 8, 2013; Readopted: June 2, 2017.

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Florida International University
Office of Compliance and Administration

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

Office of Compliance and Administration
11200 S.W. Eighth Street, PC 429
Miami, Florida, 33199
Telephone: (305)348-2216

The University Policies and Procedures Library is updated regularly. In order to ensure a printed copy of this document is current, please access it online at <http://policies.fiu.edu/>.

For any questions or comments, the “Document Details” view for this policy online provides complete contact information.

FORMS/ONLINE PROCESSES (O*)

Florida Abuse Hotline Fax Reporting Form.

Links to the above referenced Form(s) available in the "Document Details" Section of the online version of this policy document.

***R = Required *O = Optional**