

BUCKNELL UNIVERSITY
MANDATORY REPORTING OF SUSPECTED CHILD ABUSE POLICY

This policy governs mandatory child abuse reporting requirements under the [Pennsylvania Child Protective Services Law](#) (CPSL), 23 Pa.C.S. §6301 et seq., and University policy which, in some instances, requires broader protections than the CPSL. Any doubt regarding whether to report suspected child abuse should be resolved in favor of filing a report.

A. SCOPE

This policy applies to all faculty, staff (including student employees), independent contractors, and volunteers of Bucknell University. Non-Bucknell third parties sponsoring events using Bucknell facilities are required to adhere to the reporting requirements of this policy.

B. DEFINITIONS

“**Child**” means an individual under 18 years of age.

“**Child Abuse**” means intentionally, knowingly, or recklessly doing any of the following:

- (1) Causing bodily injury to a child through any recent act or failure to act.
- (2) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- (3) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- (4) Causing sexual abuse or exploitation of a child through any act or failure to act.
- (5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- (6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- (7) Causing serious physical neglect of a child.
- (8) Engaging in any of the following recent acts:
 - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
 - c. Forcefully shaking a child under one year of age.
 - d. Forcefully slapping or otherwise striking a child under one year of age.
 - e. Interfering with the breathing of a child.
 - f. Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
 - g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

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- i. Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders),¹¹ where the victim of the sexual offense was under 18 years of age when the crime was committed.
 - ii. Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.
 - iii. Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).
- (9) Causing the death of the child through any act or failure to act.
- (10) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

“**Department**” means the Commonwealth of Pennsylvania Department of Human Services.

“**Mandated Reporter**” means any faculty, staff (including student employees), independent contractor or volunteer of Bucknell University who has reasonable cause to suspect that a child is the victim of child abuse.

“**Recent Act**” means any act occurring within two years prior to the information coming to the attention of a Mandated Reporter.

C. POLICY

Information Triggering Mandatory Reporting Obligations

It is the policy of Bucknell University that all faculty, staff (including student employees), independent contractors and volunteers must make a report as set forth in this policy when there is reasonable cause to suspect that a Child is a victim of Child Abuse under any of the following circumstances:

- (1) The Mandated Reporter comes into contact with the Child in the course of employment, occupation or practice of a profession, or through a regularly scheduled program, activity, or service.
- (2) The Mandated Reporter is directly responsible for the care, supervision, guidance or training of the Child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance, or training of the Child.
- (3) A person (including the Child in question) makes a specific disclosure to the Mandated Reporter that an identifiable Child is the victim of Child Abuse.
- (4) An individual 14 years of age or older makes a specific disclosure to the Mandated Reporter that the individual has committed Child Abuse.

Confidential communications made to an attorney that are subject to the attorney-client privilege, or made to a member of the clergy that are subject to the clergy-penitent privilege, are an exception to this requirement.

The following additional points relate to the reporting requirement:

- The obligation to report is triggered even when the Mandated Reporter has not come into direct contact with the Child in question, but learns information about the suspected abuse from a source other than the Child.
- The obligation to report is triggered even when the Mandated Reporter is not able to identify the individual allegedly responsible for the suspected abuse.
- The obligation to report is not triggered when the Mandated Reporter knows that the Child involved is an adult by the time the information is provided to the Mandated Reporter.
- Mandated Reporters must report the information made known to them, but should not conduct their own independent investigation.
- The obligation to report is triggered regardless of where the alleged abuse occurred; it is not limited to abuse that occurred in Pennsylvania.

Reporting Procedures

To report suspected Child Abuse:

- (1) The Mandated Reporter must submit a report as soon as possible upon receiving information of suspected Child Abuse, but in no event more than 24 hours thereafter. The report must be submitted by filing an electronic report at www.compass.state.pa.us/cwis or by calling ChildLine at 1-800-932-0313. This obligation attaches directly to the Mandated Reporter. Although Mandated Reporters may consult with their supervisor or the Office of General Counsel in event of any questions, the submission of a report should not be unduly delayed by seeking approval from a supervisor.
- (2) If the report is made by telephone, the Mandated Reporter must, within 48 hours of making the oral report, file an electronic report at www.compass.state.pa.us/cwis or file a written report on form [CY-47](#), available at: http://keepkidssafe.pa.gov/cs/groups/webcontent/documents/form/c_137044.pdf, with the Children and Youth Services (CYS) agency in the county in which the alleged abuse occurred. A [directory](#) of county CYS agencies is available at: http://keepkidssafe.pa.gov/cs/groups/webcontent/documents/document/c_260653.pdf. Questions regarding where to file form CY-47 should be directed to the Office of General Counsel at (570) 577-1149 or generalcounsel@bucknell.edu.

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NOTE:

- In order to avoid the need for both a telephonic and electronic or written report, Mandated Reporters are encouraged (but not required) to submit the electronic report under (1) above in the first instance, rather than placing a telephone call.
- Offices from which reports originate must maintain a record of all written and/or electronic reports, including confirmation receipts, for a period of thirty (30) years from the date of report.

(3) Immediately after submitting the written report, the reporter must notify Bucknell's General Counsel at (570) 577-1149 or generalcounsel@bucknell.edu of the report. The General Counsel, serving as the President's designee for purposes of this aspect of CPSL compliance, will assist in facilitating Bucknell University's cooperation in any subsequent investigation involving the Department or law enforcement.

***** If a child is in imminent danger or a crime against a child is in progress, call 911 immediately and then complete the above steps.**

Failure to Report

Depending on the circumstances, a Mandated Reporter's willful failure to report suspected Child Abuse may be subject to criminal prosecution as a felony or misdemeanor offense. Additionally, intentional failure to report may result in disciplinary action taken by the University, including possible termination of employment.

Immunity for Good Faith Reports

Pennsylvania law provides immunity from civil and criminal liability, and protection from employment discrimination, for individuals who have acted in good faith in reporting suspected Child Abuse, cooperating with an investigation and/or testifying in a related proceeding.

Training

Certain individuals may be required to complete specific Child Abuse identification, prevention and reporting training in connection with their Commonwealth of Pennsylvania-regulated license or certification. Additionally, the Pennsylvania Child Welfare Resource Center at the University of Pittsburgh (<http://www.pacwrc.pitt.edu/>) has developed free, web-based training on recognizing and reporting child abuse available for those who may want additional information.

Questions

Questions regarding this policy or the reporting of suspected Child Abuse should be directed to the Office of the General Counsel at (570) 577-1149 or generalcounsel@bucknell.edu.