

Policy 1406
Reporting Suspected Child Abuse or Neglect

Current Version Approved: May 2022
Responsible Officer: Director of Human Resources

1. PURPOSE

The purpose of this policy is not only to comply with relevant state laws related to the mandatory reporting of suspected child abuse or neglect, but to recognize the responsibility of the university to provide a safe environment for children.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND/OR REGULATION

Code of Virginia §63.2-1509

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 whose parent or any person responsible for the child's care:

- Causes or threatens to cause a non-accidental physical or mental injury, or allows such an injury;
- Allows a child to be present during the manufacture of a controlled substance or during the unlawful sale of such substance where such activity would constitute a felony violation;
- Neglects or refuses to provide adequate food, clothing, shelter, emotional nurturing or health care;
- Abandons the child;
- Neglects or refuses to provide adequate supervision in relation to a child's age and level of development;
- Knowingly leaves a 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; or
- Commits or allows to be committed any illegal sexual act upon a child, including incest, rape, indecent exposure, prostitution or allows a child to be used in any sexually explicit visual material.

Employee

Any person employed by James Madison University (JMU) in any capacity.

Mandated Reporter

Certain individuals required by law to report suspected instances of child abuse or neglect.

Social Services

The Virginia Department of Social Services (DSS) or the Department of Social Services in a locality.

4. APPLICABILITY

This policy applies to all employees of the university unless otherwise noted.

5. POLICY

Any university employee, who in their official or professional capacity, has reason to suspect that a child is an abused or neglected child, is required 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.

6. PROCEDURES

6.1.1 Communication of policy

The provisions of this policy will be communicated to new JMU employees during Dukes at Work Onboard sessions. In addition, Human Resources staff will be available to discuss the provisions and procedures of the policy with employees.

6.2 Reporting incidences

Reports of suspected child abuse and/or neglect must be submitted by the employee to the Department of Social Services in the locality in which the child resides or where the abuse or neglect is believed to have occurred, or to the Virginia Department of Social Services (DSS) toll-free child abuse and neglect hotline (1-800-552-7096). If neither the locality in which the child resides nor where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.

Additionally, James Madison University employees may also report suspected child abuse or neglect to their supervisors or other university officials, including Public Safety (540-568-6912), Human Resources (540-568-6165), or a member of their department's administration. Such an internal report will relieve the employee of the responsibility of reporting the matter to Social Services if the employee received the information in the course of their professional services to the university. In that case, the internal report made by the employee to the supervisor, public safety officer, or department head shall be forwarded immediately by the university official receiving the internal report to Human Resources. Human Resources shall forward the report to Social Services. Human Resources will disclose the name of the employee(s) reporting the incident of suspected child abuse/neglect to DSS officials.

Human Resources will then notify the reporting employee the date the report is forwarded to Social Services, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the employee who made the initial report.

6.3 Investigations

The employee who suspects child abuse or neglect shall disclose all information that is the basis for their suspicion to Social Services, and upon request, shall make available any

information, records, or reports that document the basis for the report. All employees who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless such disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

7. RESPONSIBILITIES

All employees of the university are mandated reporters and therefore are responsible for reporting suspected child abuse and/or neglect under the terms of this policy and state law.

Human Resources is responsible for the management of this policy, including overseeing the reporting of suspected incidences to Social Services on behalf of the institution, and notifying the reporting employee of the process and the results for such reports.

All departments, offices and employees that generate, receive or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#)-Records Management.

8. SANCTIONS

According to Code of Virginia §63.2-1509(D), an employee who fails to file a report as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be fined not more than \$500 for the first failure and for any subsequent failures, not less than \$1,000. In cases evidencing acts of certain crimes of sexual assault, a person who knowingly and intentionally fails to file a report shall be guilty of a Class 1 misdemeanor. An employee who makes or causes to be made a report of child abuse or neglect that they know to be false shall be guilty of a Class 1 misdemeanor.

Regarding university discipline, sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

An attorney who is employed by a public institution of higher education is not required to report information obtained in the course of providing legal representation to a client 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.

No employee is required to make a report if they have actual knowledge that the same matter has already been reported to the local Department of Social Services or the department's toll-free child abuse and neglect hotline.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the director of human resources.

Previous version: April 2015

Approved by the President: December 2012

ADDITIONAL RESOURCES

[A Guide for Mandated Reporters in Recognizing and Reporting Child Abuse and Neglect](#)

Virginia Department of Social Services, Child Protective Services:

<http://www.dss.virginia.gov/family/cps/index.cgi>

[Mandated Reporters - Training & Resources - Virginia Department of Social Services](#)