

# Treasure Valley Community College

Code: JHFE-AR(1)  
Revised/Reviewed: 11/20/12; 3/19/19

## Reporting of Suspected Abuse of a Child

All College employees and students must report to their supervisor, Administrator or College president, instances of inappropriate conduct when they witness, receive a report of, or reasonable cause to believe an instance of abuse of a child has occurred. This requirement applies to cases of abuse that allegedly occur on campus, on property owned or leased by the College, or while members of the faculty, staff or student body are participating in a College-connected activity off campus. Reporting to the designated College official does not satisfy the legal duty to report to Department of Human Services (DHS) or local law enforcement.

If known, such report shall contain the names and addresses of the child, the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, the explanation given for the suspected abuse, any other information which the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

A written record of the abuse report shall be made by the employee suspecting the abuse.

The written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the employee's supervisor and/or Vice President of Student Services.

When the College receives a report of suspected abuse of a child by one of its employees, and the Vice President of Student Services determines that there is reasonable cause to support the report, the College shall place the College employee on paid administrative leave until the Department of Human Services or a law enforcement agency either: 1) determines that the report is unfounded or that the report will not be pursued; or 2) determines that the report is founded and the education provider takes the appropriate disciplinary action against the College employee. If the Department of Human Services or a law enforcement agency is unable to determine whether the abuse of a child occurred, the College may either reinstate the employee or take disciplinary action at the College's discretion.

The written record of each reported incident of abuse of a child, action taken by the College and any findings as a result of the report shall be maintained by the College.

### Definitions

1. "Abuse" means:
  - a. Any assault of a child and any physical injury to a child which has been caused by other than accidental means; Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child;
  - b. Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest;
  - c. Sexual abuse;
  - d. Sexual exploitation, including:

- (1) Contributing to the sexual delinquency of a minor; and
  - (2) Allowing, permitting, encouraging or hiring a child to engage in prostitution or patronize a prostitute.
- e. Negligent treatment or maltreatment of a child;
  - f. Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare;
  - g. Buying or selling a person under 18 years of age;
  - h. Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured; or
  - i. Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child to a substantial risk of harm to the child's health or safety.
2. "Child" means an unmarried person who is under 18 years of age.
3. "Law enforcement agency" means:
- a. A city or municipal police department;
  - b. A county sheriff's office;
  - c. The Oregon State Police; or
  - d. A county juvenile department.

### **Confidentiality of Records**

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

The disciplinary records of a College employee or former College employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502. Therefore, if a College employee or former employee is convicted of a crime listed in ORS 342.143, the College that is or was the employer of that employee when the crime was committed, shall disclose the disciplinary records of the employee to any person upon request. However, prior to the disclosure of a disciplinary record the College shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a College employee who is not the subject of the disciplinary record.

### **Failure to Comply**

Any College employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law, commits a violation punishable by law. A College employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected abuse of a child or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined.

### **Cooperation with Investigator**

The College staff shall make every effort in suspected abuse of a child cases to cooperate with investigating officials as follows:

- 1. Any investigation of abuse of a child will be directed by the Oregon Department of Human Services or law enforcement officials as required by law. When an administrator or representative of the

College is notified that the Department of Human Services or law enforcement would like to interview a student at the College, the administrator or representative must request that the investigating official demonstrate that he/she has a warrant, court order, exigent circumstances or parental consent to interview the student. Failure to meet one of these criteria may result in the administrator's or representative's refusal to allow the student interview on College property. If the student is to be interviewed at the College, the administrator or representative shall make a conference space available. The administrator or representative of the College may at the discretion of the investigator, be present to facilitate the interview. Law enforcement officers wishing to interview or remove a student from the premises shall present themselves at the Human Resources office and contact the Vice President of Student Services. The officer shall sign the student out on a form to be provided by the College;

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, College employees shall not notify parents;
3. College employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.