

<b>Policies of the University of North Texas</b>	Chapter 02
<b>1.2.20 Reporting of Child Abuse and Neglect</b>	<b>Administration</b>

**Policy Statement.** The University of North Texas (UNT) is committed to protecting children as vulnerable members of society and in fulfilling the institution’s obligation to report suspected child abuse or neglect as required by Texas law.

**Application of Policy.** All members of the UNT community, including but not limited to faculty, students, staff, individuals authorized to act on behalf of UNT, and independent contractors.

**Definitions.**

1. **Abuse.** “Abuse” means the following acts or omissions by a person:
  - a. Mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development or psychological functioning;
  - b. Causing or permitting a child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child’s growth, development or psychological functioning;
  - c. Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
  - d. Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
  - e. Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of a young child or children, indecency with a child, sexual assault, or aggravated sexual assault;
  - f. Failure to make a reasonable effort to prevent sexual conduct harmful to a child;

- g. Compelling or encouraging a child to engage in sexual conduct, including conduct that constitutes an offense of trafficking of persons, prostitution, or compelling prostitution;
  - h. Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene, or pornographic;
  - i. The current use by a person of a controlled substance in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
  - j. Causing, expressly permitting, or encouraging a child to use a controlled substance;
  - k. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child; or
  - l. Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable by law.
2. Abuse of an elderly or disabled person: “Abuse of an elderly or disabled person” means:
- a. the negligent or willful infliction of injury, unreasonable confinement, intimidation or cruel punishment with resulting physical or emotional harm or pain to an elderly or disabled person by the person’s caretaker, family member or other individual who has an ongoing relationship with the person, or
  - b. sexual abuse of an elderly or disabled person, including any involuntary or nonconsensual sexual conduct that would constitute indecent exposure, or
  - c. assaultive offenses committed by the person’s caretaker, family member, or other individual who has an ongoing relationship with the person.
3. Campus Law Enforcement. “Campus law enforcement” means any of the law enforcement agencies of the UNTS campuses including the UNT Police Department, the UNTHSC Police Department and the UNT Dallas Police Department.
4. Child. “Child” means a person under 18 years of age.
5. Employee. “Employee” means anyone employed by the UNT, including staff and faculty, including full and part-time employees, employees in a temporary capacity, and student employees. The term includes employees who do not regularly come

into contact with minors in the course of their employment. The term does not include independent contractors.

6. Neglect. “Neglect” means:

- a. The leaving of a child in a situation where the person knows or should know that the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child; or
- b. The following acts or omissions by a person who knows or should know that:
  - i. Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;
  - ii. Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
  - iii. The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
  - iv. Placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or
  - v. Placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse committed against another child; or
- c. The failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

7. Neglect of an elderly or disabled person: “Neglect of an elderly or disabled person” means the failure to provide for one’s self the goods or services, including

medical services, which are necessary to avoid physical or emotional harm or pain, or failure of a caretaker to provide such goods or services.

8. Elderly person: “Elderly person” means a person 65 years of age or older.

9. Disabled person: “Disabled person” means a person with mental, physical or developmental disability that substantially impairs the person’s ability to provide adequately for the person’s care or protection and who is 18 years of age or older or under the age of 18 and who has had the disabilities of minority removed.

10. Exploitation: “Exploitation” means the illegal or improper act or process of a caretaker, family member or other individual who has an ongoing relationship with an elderly or disabled person that involves using, or attempting to use, the resources of the elderly or disabled person, including the person’s social security number or other identifying information, for monetary or personal benefit, profit or gain without the informed consent of the elderly or disabled person.

11. Professional Employee. “Professional employee” means an employee who is certified by the state who, in the normal course of official duties for which a license or certification is required, has direct contact with children.

12. Student. “Student” means anyone actively enrolled in at least one SCH (semester credit hour) during a given enrollment term. Student also includes individuals between academic terms that completed the most recent term and registered for the upcoming term.

### **Procedures and Responsibilities.**

1. Reporting Obligations.

- a. An individual who has cause to believe that a child's physical or mental health or welfare has been or will be adversely affected by abuse and/or neglect by any person must immediately report his or her belief to:
  - i. Any local or state law enforcement agency, including campus law enforcement, especially in situations requiring an immediate response; or
  - ii. The Department of Family and Protective Services ("DFPS") or the agency designated by a court as responsible for the protection of children.
- b. A report must be made to DFPS if the suspected child abuse or neglect involves a person responsible for the care, custody or welfare of the child.
- c. A professional employee who has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is the victim of the offense of indecency with a child also must make a report not later than 48 hours after the time the professional first suspects that the child has been or may be abused or neglected, or is the victim of child abuse or neglect or the offense of indecency with a child.
- d. An individual who witnesses, either a child in imminent danger or a crime against a child in progress should immediately call 911 to make a report.
- e. Reporting suspected child abuse or neglect is mandatory and cannot be delegated to another individual or UNT official. Reporting suspicion to another UNT official or employee or to the UNT Compliance Hotline does not satisfy the reporting requirement.
- f. An individual whose personal communications might otherwise be privileged including an attorney, a medical practitioner, a social worker or a mental health professional must still make a report.
- g. A report must be made in good faith. Confirmed evidence or proof of child abuse or neglect is not required prior to making a report. Uncertainty should be resolved in favor of making a report.
- h. Suspected child abuse or neglect must be reported when an individual learns of an allegation regardless of the alleged date of the incident.
- i. An individual who makes a good faith report will not be retaliated against for making a report, even if the report is unfounded.
- j. Failure to immediately report suspected child abuse or neglect is a violation of state criminal law and may subject faculty, staff, or students to disciplinary

action, up to and including termination or expulsion (see UNT Policy 15.1.33, Faculty Discipline Policy; UNT Policy 1.7.1, Staff Employee Discipline and Involuntary Termination; and UNT Policy 18.1.11, University of North Texas Code of Student Conduct).

Responsible Party: Employees and individuals authorized to act on behalf of the UNT and students

2. Duty to Report Abuse, Neglect or Exploitation of an Elderly or Disabled Person
  - a. An employee or student shall make a report to the Department of Protective and Regulatory Services (“DPRS”) if the employee or student has cause to believe that an elderly or disabled person is in the state of abuse, neglect or exploitation, including a disabled person receiving services in:
    - i. A mental health facility operated by the Department of State Health Services,
    - ii. A licensed intermediate care facility for the mentally retarded,
    - iii. in or from a community center, a local mental health or mental retardation authority, or
    - iv. Through a program providing services by contract with a mental health facility, community center or local mental health or retardation authority.

Responsible Party: Employees and individuals authorized to act on behalf of the UNT and students

- b. If the employee or student has cause to believe that the abuse, neglect or exploitation occurred in a facility operated, licensed, certified or registered by a state agency other than those facilities listed in Section 2(a), that person shall report the information for investigation to the state agency that operates, licenses, certifies or registers the facility. (Example: If the abuse, neglect or exploitation occurred in an assisted living facility or a nursing/convalescent home, a report shall be made to the Department of Aging and Disability Services.)

Responsible Party: Employees and individuals authorized to act on behalf of the UNT and students

3. Internal Reporting Obligations.
  - a. In addition to the obligation to report suspected child abuse and neglect externally, employees and individuals authorized to act on behalf of UNT are required to report suspected child abuse or neglect to the appropriate UNT

official or office in accordance with UNT Policy 1.2.19, Reporting Suspected Wrongdoing.

- b. Students and other individuals who suspect child abuse or neglect occurring on any property owned, leased or controlled by any component campuses of UNTS, or at any activity or event sponsored by UNT are strongly encouraged to report his or her suspicions to the appropriate UNT official or office. This report can be made to one of the offices identified to accept reports under UNT Policy 1.2.19 or to the appropriate Vice President after reporting to law enforcement or DFPS.
- c. Upon receiving a report, the university will take appropriate action in cooperation with DFPS and/or law enforcement and will not take any action which might otherwise compromise a criminal investigation.
- d. Unless waived in writing by the person making the report, the identity of a reporting individual will be confidential and may only be disclosed in accordance with law.

Responsible Party: Employees and individuals authorized to act on behalf of the UNT and students

#### 4. Training.

- a. All Professional Employees and Independent Contractors who are licensed or certified and who will come in contact with minors will be provided training in child abuse prevention techniques and the recognition of sexual abuse and other maltreatment of children and the responsibility and procedure of reporting suspected occurrence of sexual abuse and other maltreatment. The training must include:
  - i. Techniques for reducing a child's risk of sexual abuse or other maltreatment;
  - ii. Factors indicating a child is at risk for sexual abuse or other maltreatment;
  - iii. The warning signs and symptoms associated with sexual abuse and other maltreatment and recognition of those signs and symptoms;
  - iv. The requirements and procedures for reporting suspected sexual abuse or other maltreatment as provided by state law and this policy.
- b. Employees are required to complete Sexual Abuse and Child Molestation Training within 30 days from the first day of employment. Employees who fail

to complete training by this deadline are subject to disciplinary action, up to and including termination..

Responsible Party: System Administration Human Resources and Risk Management Services

### **References and Cross-references.**

Texas Education Code § 51.9761

Texas Family Code, Ch. 261, Sub. Ch. B

Texas Administration Code, Ch. 265, sub. Ch. N, [§265.401](#)-§265.4015

Family Educational Rights and Privacy Act Regulations, 34 CFR 99.31

UNT Policy 1.2.19, Reporting Suspected Wrongdoing

UNT Policy 1.2.9, Ethics

UNT Policy 1.7.1, Staff Employee Discipline and Involuntary Termination

UNT Policy 15.1.33, Faculty Discipline Policy

UNT Policy 18.1.11, University of North Texas Code of Student Conduct

### **Forms and Tools.**

Texas Abuse Hotline – 1-800-252-5400 available 24 hours a day / 7 days a week

For secure website reporting to DFPS - <https://www.txabusehotline.org>

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