



SUBJECT: REPORTING CHILD ABUSE, ABANDONMENT OR NEGLECT	Effective Date: 05-30-13 Amended: 4-4-22	Policy Number: 1.20	
	Supersedes: Policy 7.6	Page 1	Of 4
	Responsible Authority: Vice President, Administrative Affairs Chief of Police		

APPLICABILITY:

This policy is applicable to all members of the University community.

DEFINITIONS:

Abandonment: A situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, 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, or both. For purposes of this subsection, “establish or maintain a substantial and positive relationship” includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. The term does not include a surrendered newborn infant as described in s. 383.50, a “child in need of services” as defined in chapter 984, or a “family in need of services” as defined in chapter 984. The incarceration, repeated incarceration, or extended incarceration of a parent, legal custodian, or caregiver responsible for a child’s welfare may support a finding of abandonment. (*Section 39.01(1), Florida Statutes*)

Abuse: Any willful act or threatened act that results in any physical, mental, or sexual abuse, 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. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child. (*Section 39.01(2), Florida Statutes*)

Administrator: 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. (*Board of Governors Regulation 3.002(1)(b)*)

Child: Any unmarried person under the age of 18 years who has not been emancipated by order of the court. (*Section 39.01(11), Florida Statutes*)

Neglect: 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 in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian. (*Section 39.01(50), Florida Statutes*)

POLICY STATEMENT:

To ensure the safety and well-being of children on University property and University-sponsored events, and in compliance with Sections 39.201 and 39.205, Florida Statutes and Florida Board of Governors (BOG) Regulation 3.002, the University establishes the following framework or principles for known or suspected child abuse, abandonment, or neglect:

A. IMMUNITY

Actual first-hand knowledge or tangible evidence is not required to establish a reporting requirement. It is the responsibility of DCF and/or law enforcement to investigate as appropriate. In the event a University employee or administrator is uncertain as to whether there is a duty to report, the University recommends that a report be made. Section 39.203, Florida Statutes provides immunity to any person, official, or institution reporting in good faith any instance of child abuse, abandonment, or neglect to DCF or any law enforcement agency.

B. SANCTIONS

Any employee who fails to comply with this policy will be subject to the applicable criminal penalties as described above. In addition, the University may impose additional sanctions in accordance with University regulations and policies and applicable law, including without limitation suspension and termination from employment.

C. CONFIDENTIALITY

All reporting herein shall be made confidentially to DCF and the University Police Department, as applicable, and should not be disclosed to other parties except as provided by law.

Nothing herein shall alter any obligations or legal authorities under applicable law. In the event of

any amendments in Florida Statutes or BOG Regulations noted herein after the effective date of this policy, such amendments shall apply with equal force and effect in this policy without further action required.

RESPONSIBILITIES AND REPORTING OBLIGATIONS:

A. Any Person

Pursuant to Section 39.201, Florida Statutes, all persons have a legal obligation to report knowledge or reasonable suspicion that a child is abused, abandoned, or neglected or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care to the Florida Department of Children and Family Services (DCF). Section 39.205(1), Florida Statutes further prohibits any person from knowingly and willfully preventing another person from meeting their reporting obligation to DCF. A person who knowingly and willfully fails to report as required by law, or who knowingly and willfully prevents another person from doing so, is subject to criminal prosecution.

B. University Administrators

In addition to the general reporting requirements noted above, University administrators who receive information from faculty, staff or other institution employees of known or suspected child abuse, abandonment, or neglect committed on University property or during a University-sponsored event or function are required to report such information to DCF. In addition to individual criminal prosecution as noted above, pursuant to Section 39.205(3), Florida Statutes and Board of Governors Regulation 3.002(3), a knowing and willful failure to report by an administrator as described herein, or a knowing and willing restraint of another person from doing so, shall subject the University to a possible fine of \$1 million dollars.

PROCEDURES:

I. Reporting to DCF

A report to DCF shall be made immediately to the DCF's central abuse hotline. *It is advisable to make the report via fax and retain a copy of the fax transmission.*

II. Reporting to the University Police Department

In addition to the reporting requirements to DCF, any known or suspected child abuse, abandonment, or neglect committed on University property or during a University-sponsored event or function shall also be reported to the University Police Department.

III. Duplicate Reporting

If a report is being made on behalf of more than one individual, please list all reporting parties on the written transmission/report. If you believe that another individual may have already made a report, this does not negate or satisfy your affirmative individual obligation to make your own report.

RELATED INFORMATION:

DCF Abuse Hotline: Telephone: 1-800-962- 2873; Fax: 1-800-914-0004; and via the web:
<https://www.myflfamilies.com/service-programs/abuse-hotline/>.

FAU PD Reporting: 24-7 Reporting Telephone Line: 561-297-3500

INITIATING AUTHORITY: Vice President, Administrative Affairs

POLICY APPROVAL
(For use by the Office of the President)

Policy Number: 1.20

Initiating Authority

Signature: _____
Name: Stacy Volnick

Date: _____

Policies and Procedures

Review Committee Chair

Signature: _____
Name: Elizabeth F Rubin

Date: _____

President

Signature: _____
Name: Dr. John Kelly

Date: _____

Executed signature pages are available in the Office of Compliance