

ABUSED AND NEGLECTED CHILD REPORTING ACT COMPLIANCE PROCEDURES

I. Purpose

These procedures implement Board Policy 4.36 which states that Highland Community College shall comply with the Abused and Neglected Child Reporting Act, 325 ILCS 5/1 (ANCRA) as amended by Public Act 97-0711, and as applicable to College employees who are legally responsible to report suspected abuse or neglect of a child to the Illinois Department of Children and Family Services (DCFS). In accordance with the Act, these procedures are also applicable to College students enrolled in an academic program leading to a position as a child care worker, school service personnel and degree in education. For this purpose, student workers are considered to be college personnel. Volunteers, as defined under the Volunteer Services Policy (4.07), are also considered mandated reporters. For purposes of the Act, "child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the U.S. armed services.

College employees and students who are "mandated reporters" are identified in Part III, below.

II. Definitions

A. Abused child means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same house as the child, or a paramour of the child's parent:

1. Inflicts, causes to be inflicted, or allows to be inflicted on the child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
2. Creates a substantial risk of physical injury to the child by other than accidental means, which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
3. Commits or allows to be committed any sex offense against the child, as such offenses are defined in the Criminal Code of 1961, as amended, (by way of example such offenses include, but are not limited to criminal sexual assault, sexual abuse, indecent solicitation of a minor and child pornography) and extending those definitions of sex offenses to include children under 18 years of age;
4. Commits or allows to be committed an act or acts of torture upon the child;
5. Inflicts excessive corporal punishment;
6. Commits or allows to be permitted against the child the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961; or

7. Causes to be sold, transferred, distributed or given to the child a controlled substance, except for controlled substances prescribed in accordance with state law that are dispensed to the child in a manner that substantially complies with the prescription.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.

B. Neglected child means a child whose parent or other person responsible for the child's welfare deprives or fails to provide the child with adequate food, clothing, shelter, or needed medical treatment. Neglect may also be alleged when a responsible adult provides inadequate supervision of a child, as when children are left either unsupervised or in the case of someone unable to supervise due to his or her condition.

C. Person responsible for the child's welfare means the child's parent, guardian, foster parent, or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect.

D. Reasonable cause to believe abuse or neglect has occurred may exist when there is some actual or circumstantial evidence that the child has been abused or neglected. Actual evidence may consist of obvious pain, or signs of physical injury such as cuts, burns or bruises. Circumstantial evidence may include a child's change of behavior, or implausible stories about injuries or activities.

III. Employees Who Are Mandated Reporters

A. Mandated Reporters

The Act provides that all personnel of institutions of higher education, all athletic program personnel and all athletic facility personnel are mandated reporters. Mandated reporters are required to immediately report to the DCFS whenever there is reasonable cause to believe that a child with whom they have contact in their professional capacity may be abused or neglected.

Students enrolled in an academic program leading to a position as a child care worker, school service personnel and/or education degree are also mandated reporters pursuant to the Act.

B. No Retaliation

The College prohibits retaliation against any employee, student, volunteer or other individual who makes a good faith report of abuse or neglect or who participates in any investigation of abuse or neglect. Anyone found to have engaged in prohibited retaliation under this policy/procedure may be subject to discipline, up to and including termination, expulsion and/or other sanctions.

IV. Reporting Requirements and Procedures; Penalties for Non-compliance

A. Requirements and Procedures

An employee, volunteer or student who is a mandated reporter and who has reasonable cause to believe that abuse or neglect has occurred with respect to a child known to the employee or student in his or her professional capacity shall:

1. Immediately report to the DCFS that he or she believes that a child may be abused or neglected. This initial report may be made by telephone to the DCFS toll-free child abuse hotline number: 1-800-25A-BUSE (1-800-252-2873). If the Hotline intake worker does not accept your call as a report, you will be informed of that fact and given the reason. Most often the explanation will relate to DCFS' legal jurisdiction or to the evaluation of risk of harm to the child.

2. If a report is taken by the Hotline worker, an investigation is commenced within 24 hours. A written confirmation of the verbal report must be supplied, using DCFS' CANTS 5 form. This is only required if the Hotline worker accepts your call as a report. The CANTS 5 form is available on G:/General/HR-Payroll Resources for Employees/Abused and Neglected Child Reporting Act/CANTS 5 or www.highland.edu/students/righttoknow.asp. The completed CANTS 5 Form should be sent within 48 hours of the initial report to the nearest local DCFS office by U.S. mail with postage prepaid. The location of the nearest DCFS office is available on the DCFS website at <http://www.state.il.us/dcfs>.

3. If a report is taken, the employee or volunteer is encouraged to promptly inform his or her supervisor and/or a member of the Behavioral Intervention Team (Director, Human Resources/AA/EOE officer, Vice President of Student Development and Support Services, behavioral intervention officer, crisis counselor or deputy) that an abuse or neglect report has been made and provide the Director of Human Resources with a copy of the written confirmation of the report as submitted on the CANTS 5 Form. Students who are mandated reporters as a result of their enrollment in an education, child care or school service personnel program are encouraged to promptly inform the dean/associate dean/instructor/coordinator/VP leading the program if a report is taken. With the reporter's permission, the dean/associate dean/instructor/coordinator/VP will then work with the student to notify a member of the Behavioral Intervention Team and ensure that the Director of Human Resources receives a copy of the CANTS 5 form. Internal notification is subject to the discretion of the reporter.

A member of the Behavioral Intervention Team shall assist the reporter in further compliance with these procedures if the reporter requests assistance. The Director of Human Resources shall maintain in a separate confidential file copies of all CANTS 5 forms submitted to the DCFS by College employees, volunteers and students pursuant to the Act, whether as mandated or as permissive reporters.

In cases where the accused is an employee, volunteer, or student and where an incident occurred on college property or took place in connection with a college-sponsored or recognized program or activity, the reporter is required to notify the College as noted above. In the event that the accused is the reporter's supervisor or dean/associate dean/instructor/coordinator/VP, the reporter shall directly notify a member of the Behavioral Intervention Team. Should the accused be the Director of Human Resources, a copy of the CANTS 5 form shall be given to the VP, Student Development and Support Services.

4. If you witness child abuse or neglect actually taking place, you should contact 911.

Notes: The Act prohibits anyone, including a supervisor or program coordinator, from suppressing, changing or editing an abuse or neglect report. The reporting employee's or student's name shall not be disclosed to the parent or guardian of the child involved.

B. Penalties for Non-compliance

The willful failure of a College mandated reporter to immediately report a case of suspected child abuse/neglect to DCFS may lead to his or her being charged with a Class A misdemeanor under the Act. A mandated reporter's willful failure to report a case of suspected child abuse or neglect to the College (as outlined in Section IV, 3) involving a Highland employee, volunteer or student which occurs on college property, or in connection with a college-sponsored or recognized program or activity, may lead to disciplinary action up to and including dismissal or expulsion.

C. Immunity for Making a Good Faith Report

Individuals who in good faith make reports of suspected abuse or neglect are provided with certain statutory immunities from civil and/or criminal liability.

V. Training and Acknowledgment of Mandated Reporter Status

A. Training

The College shall make available appropriate training and resources on the Act's requirements to mandated reporters before they commence employment. Available training and resources include:

■ On-line training offered by DCFS at <https://www.dcfstraining.org/manrep/index.jsp>, which includes a pre-training assessment, 60-90 minutes of self-paced interactive training, a post-training assessment, and a Certificate of Completion.

■ The DCFS *Manual for Mandated Reporters* which is available on the DCFS website at:

<http://www.state.il.us/DCFS/docs/CFS%201050-21%20Mandated%20Reporter%20Manual.pdf>

All staff, volunteers and students (as defined in Part III) are required to go through the training with three months upon their hire/starting their educational program and at least every three years thereafter.

Acknowledgment of Mandated Reporter Status

Each employee, volunteer and student who is mandated by virtue of employment, volunteer status or enrollment to report suspected child abuse or neglect pursuant to the Act shall, before he or she begins employment or participation in his or her educational program, sign the Acknowledgement of Mandated Reporter Status on the DCFS CANTS 22 Form included at the end of these procedures, confirming his or her knowledge and understanding of the reporting requirements of the Act. The signed form shall be maintained in each mandated reporter's personnel, volunteer or student file. Employees, volunteers and students hired or enrolled in education programs prior to the amendment of the Act will be required to sign the Acknowledgement of Mandated Reporter Status as well. All Acknowledgement of Mandated Reporter Status (DCFS CANTS 22) Forms should be submitted to the HRIS Administrator/HR Generalist to ensure that the form is placed in the appropriate file.

VI. Cooperation in Investigating and Prosecuting Child Abuse and Neglect

All College employees, volunteers and students are expected to cooperate with the DCFS in identifying child abuse or neglect, in accordance with the investigation procedures, as well as internal investigations, as applicable.