

**Guidelines Relating to Supplemental Mandatory  
Reporting Requirements of Child Abuse and Neglect**

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I. Background

The University of Wisconsin System prioritizes safety and strives to provide a safe learning environment for everyone. Children come into contact with University of Wisconsin System institutions through various programs, camps, and events. These guidelines were prepared to provide University of Wisconsin System institutions with uniform guidance on implementing Executive Order 54, which requires that all University of Wisconsin System employees must report incidents of child abuse and neglect. In order to effectively implement this directive, employees should be educated on the subject of child abuse and neglect to increase awareness and provide instruction on the reporting requirements.

II. Definitions

A. "Abuse" of a child includes any of the following:

1. Physical injury inflicted on a child by other than accidental means. "Physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising or great bodily harm.
2. Sexual intercourse or sexual contact with a child under the age of 16 or with a 16 or 17 year-old child without his or her consent.
3. Sexual exploitation of a child. Sexual exploitation of a child occurs when a person employs, uses, persuades, induces, entices, or coerces any child to engage in sexually explicit conduct for the purpose of recording or displaying the conduct or records or displays a child engaged in sexually explicit conduct. Sexual exploitation of a child also occurs when a person produces, performs in, profits from, promotes, imports into the state, reproduces, advertises, sells, distributes, or possesses with intent to sell or distribute, any recording of a child engaging in sexually explicit conduct.
4. Permitting, allowing or encouraging a child to violate the statute prohibiting prostitution.
5. Causing a child to view or listen to sexual activity for purposes of sexual arousal or sexual gratification.
6. Exposing genitals or pubic area to a child or exposing a child's genitals or pubic area for purposes of sexual arousal or sexual gratification.
7. Manufacturing methamphetamine with a child present, or in a child's home (including the premises of a child's home or in a motor vehicle located on the premises of a child's home), or under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child.

8. Emotional damage for which the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.  
"Emotional damage" is defined as harm to a child's psychological or intellectual functioning and is evidenced by one or more of the following characteristics exhibited to a severe degree: anxiety, depression, withdrawal; outward aggressive behavior; or a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development.
- B. "Child" is a person who is less than 18 years of age.
- C. "Employee" is any UW System employee.
- D. "Neglect" is failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

### III. Guidelines

- A. Executive Order 54 states that UWS employees must make a report of child abuse or neglect if, in the course of employment, a UWS employee observes an incident or threat of child abuse or neglect, or learns of an incident or threat of child abuse or neglect, and the employee has reasonable cause to believe that child abuse or neglect has occurred or will occur. A report must be made personally or by telephone to the county department of social services or the county department of human services, or to law enforcement (county sheriff or the city, village, town, or university police department).
- B. Each institution should develop policies and procedures that provide further guidance regarding Executive Order 54, address the ways in which the institution will educate employees and volunteers about reporting child abuse and neglect, and mechanisms for ensuring compliance with reporting obligations.
- C. No UWS employee making a report of child abuse or neglect in good faith may be discharged from employment, disciplined or otherwise discriminated against in regard to employment, or threatened with any such treatment because that employee made a report in good faith.
- D. A UWS employee who is a mandatory reporter by profession under Wis. Stat. § 48.981(2) (e.g., health practitioner, social worker, law enforcement officer, child care provider) must continue to comply with the state mandatory reporter law requirements.
- E. Each institution should develop a policy outlining how UWS employees and volunteers on its campus will receive training or education on the subject of child abuse and neglect; this training or education may differ depending upon (1) the

type and degree of contact the individual may have with children on campus or (2) other training or education regarding mandatory reporting an individual might receive due to his or her profession. Training or education may include the following components:

1. Reporting requirements;
  2. Definitions and examples of child abuse and neglect;
  3. Procedures and best practices for reporting;
  4. Protections for employees making a report in good faith;
  5. Resources.
- F. Each institution should review its background check policies to determine whether the policies are adequate for employees and volunteers who may have contact with children on campus. Whether these policies need to be amended for certain groups of employees or volunteers may depend upon the type and degree of contact the individual may have with children on campus in the course of employment or volunteer duties.
- G. Each institution should review its procedures related to facility use where children will be present and the procedures for contracting with third parties expected to have contact with or access to children to ensure proper safeguards are in place.

#### IV. Implementation of Guidelines

- A. UW System institutions should adopt procedures that are consistent with these guidelines.
- B. UW System institutions may adopt procedures that provide additional protective measures for children where such measures are consistent with existing law.