



## Pima County Community College District Administrative Procedure

<i>AP Title:</i>	<b>Mandatory Reporting – Abuse of a Minor or Child</b>
<i>AP Number:</i>	AP 8.05.03
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<i>Sponsoring Unit/Department:</i>	Facilities
<i>Policy Title(s) &amp; No(s).</i>	Institutional Security and Safety, BP 8.05
<i>Legal Reference:</i>	A.R.S. § 13-3620
<i>Cross Reference:</i>	

### **PURPOSE**

The purpose of this Administrative Procedure (“AP”) is to implement Pima Community College’s (“College”) Governing Board’s (“Board”) Policy on Institutional Security and Safety as it relates to the mandatory reporting of Child Abuse, Child Neglect, or Reportable Offenses against minors and children. The Office of the Chancellor delegates responsibility to the Vice Chancellor for Facilities and the College’s Department of Public Safety (“DPS”) for ensuring that Board Policy on Institutional Security and Safety, as it relates to this AP, is implemented.

In accordance with A.R.S. §13-3620, all College Employees, including faculty, staff, and administrators, who, in the course and scope of their employment, learn or develop a Reasonable Belief that a Minor or Child is or has been the victim of Abuse, Neglect, or other Reportable Offense, including sexual offenses, must immediately report that information to DPS. No Employee is exempt from this requirement. An Employee’s duty to make a mandatory report is not satisfied by

conveying information about suspected Abuse to another Employee or department other than DPS.

## **SECTION 1: Definitions**

- 1.1 “Abuse” includes Child Abuse, Neglect and/or any Reportable Offense.
- 1.2 “Child Abuse” means inflicting or allowing the infliction on a Minor or Child of physical injury, impairment of bodily function, disfigurement, serious emotional injury, unreasonable confinement, sexual abuse, sexual conduct, sexual assault, molestation, sexual exploitation, commercial sexual exploitation, incest, or prostitution. (See A.R.S. §13-3620; 13-3623; 8-201(2)).
- 1.3 “DCS” means the Arizona Department of Child Safety.
- 1.4 “Employee” means any person employed by the College on a full-time, part-time, temporary, or regular basis or directly engaged in the performance of work under the provision of a contract with the College. This definition does not include unpaid Volunteers.
- 1.5 “Mandatory Report” means a report of Abuse of a Minor or Child made by an Employee to DPS.
- 1.6 “Minor or Child” means a person currently under the age of 18. (See A.R.S. §1-215(6) and (7)). The duty to make a Mandatory Report does not apply to instances involving a victim who was under the age of 18 at the time of the Abuse but who is 18 years of age or older at the time Employee learns or develops a Reasonable Belief that the victim has been abused.
- 1.7 “Neglect” means the inability or unwillingness of a parent, guardian, or custodian of a Minor or Child to provide that Minor or Child with supervision, food, clothing, shelter or medical care if there is an unreasonable risk of harm to the child’s health or welfare or the deliberate or reckless exposure of a Minor or Child to sexual activity or sexually explicit materials. (See A.R.S. §8-201(25); 13-3551; 13-3507, 13-1411; 13-1401).
- 1.8 “Physical Injury” means the impairment of physical condition apparently caused by other than accidental means or that is not sufficiently explained by available medical history (if any), including any skin bruising, pressure sores, bleeding, failure to thrive, malnutrition, dehydration, burns, fracture of

any bone, subdural hematoma, soft tissue swelling, injury to any internal organ, or any other impairment of a Minor or Child's physical function. (See A.R.S. §13-3620, 13-3623, 8-201).

- 1.9 "Reasonable Belief" is a very low standard and exists whenever an Employee, in the course of his or her employment, becomes aware of any facts or circumstances from which an average person of ordinary intelligence and sound mind could reasonably conclude that a Minor or Child may have been the victim of Abuse. A College Employee may form a Reasonable Belief based on facts or circumstances derived from (1) his or her own observations, (2) a Minor or Child's self-disclosure, or (3) information received from a third party.
- 1.10 "Reportable Offense" includes sexual offenses against a Minor or Child and may involve touching, fondling, penetrating, or engaging in oral contact with the vagina, penis, anus or female breast, directly or over clothing; the photographing or video-recording of a Minor or Child in a state of undress; furnishing pornographic material to a Minor or Child; incest, or prostitution or sexual exploitation of a Minor or Child. (See A.R.S. §13-1401 to 1415; §13-3019; §13-3506.01; §13-3212; §13-3608; §13-3551 to 3559; §13-3620(P)(4)).
- 1.11 "Serious Emotional Injury" means an injury other than a physical injury that is diagnosed by a medical doctor or psychologist and seriously impairs mental faculties; causes serious anxiety, depression, withdrawal or social-dysfunction behavior to the extent the Minor or Child suffers dysfunction requiring treatment, and/or is the result of a Reportable Offense. (See A.R.S. 8-201(32)).

## **Section 2 – Reporting Responsibilities**

- 2.1 Any Employee who Reasonably Believes a Minor or Child is or has been subjected to Abuse must immediately report that information to DPS in person or via telephone.

Additionally, an Employee should inform his or her administrative supervisor of the matter necessitating the Mandatory Report. However, informing a supervisor does not eliminate the Employee's obligation to make a Mandatory Report and should not delay the Employee from immediately contacting DPS.

- 2.2 Once an Employee has a Reasonable Belief that a Minor or Child may have been the victim of Abuse, the Employee should not attempt to conduct any further investigation. The gathering of additional facts and information must be left to law enforcement personnel.
- 2.3 An Employee should not communicate with an alleged abuser about the Employee's Reasonable Belief before or after making a Mandatory Report.
- 2.4 Within seventy-two (72) hours after making a Mandatory Report to DPS in person or by telephone, the reporting Employee, with the assistance of DPS, shall also make a written report which should include the following information, if known to the Employee:
  - The names and addresses of the Minor or Child and the Minor or Child's parent(s) or guardian(s) or the person(s) having custody of the Minor or Child
  - The Minor or Child's age
  - The nature and extent of the Abuse, including any evidence of previous Abuse
  - Any other information the Employee believes might be necessary or relevant
- 2.5 An Employee with knowledge of a Mandatory Report shall maintain the confidentiality of all information in the Report except as otherwise provided in this AP; when DPS, another law-enforcement agency, DCS, or the County Attorney requests the information; or pursuant to a court order or lawful subpoena. Once an Employee makes a Mandatory Report, the Employee shall not communicate information concerning the Mandatory Report to anyone else except as provided for in this AP or as otherwise required by law. The Employee should refer any future inquiries about the Mandatory Report to DPS.
- 2.6 Arizona law provides immunity from any civil or criminal liability to anyone, including an Employee, who reports suspected Abuse or Neglect of a Minor or Child or who participates in an investigation, administrative proceeding, or judicial proceeding based on such a report or participation, unless he or she acted with malice or has been charged with or is suspected of abusing or neglecting the Minor or Child in question. (See A.R.S. §13-3602(J)).
- 2.7 In addition to the requirements of this AP, certain Employees may also be required under Arizona state statute to report the Abuse of a Minor or Child.

These Employees may include, without limitation, law enforcement officers; healthcare professionals, including counselors and social workers, who develop a Reasonable Belief in the course and scope of providing treatment; domestic violence victim advocates; and any Employee responsible for the care or treatment of a Minor or Child. (See A.R.S. §13-3620(A)(1-5)). For Employees with a statutory duty to make a Mandatory Report, it is a misdemeanor to fail to report the Abuse or Neglect of a Minor or Child and a Class 6 felony to fail to report a Reportable Offense against a Minor or Child. (See A.R.S. §13-3620(O)).

- 2.8 If the person being accused of the Abuse of a Minor or Child is a College Employee, the reporting Employee should, immediately after making a Mandatory Report to DPS, contact the College's Employee Relations Department or Chief Human Resources Officer.
- 2.9 Under this AP, an Employee is not required to make a Mandatory Report based solely on information gained outside of the course and scope of the Employee's employment with the College unless the information is received because of the Employee's employment with the College.

**SECTION 3: Investigative Responsibilities**

- 3.1 DPS shall initiate and/or conduct investigations of matters that are the subject of Mandatory Reports as it deems appropriate. When DPS receives a Mandatory Report where the person accused is a College Employee, a DPS officer shall also discuss the Mandatory Report with the College's Employee Relations Department or Chief Human Resources Officer.