Proposed: USF System Policy

6-032 Child Abuse Reporting

I. INTRODUCTION (Purpose and Intent)

To ensure the safety and well-being of minors on University of South Florida System (USF System) Campuses, and in compliance with Sections 39.201 and 39.205, Florida Statutes and Florida Board of Governors (BOG) Regulation 3.002 (links referenced in section VII), the USF System restates and establishes the following immediate reporting obligations with regard to known or suspected Child Abuse.

II. DEFINITIONS

For Purposes of this Policy, applicable terms are defined as follows:

A. “Abuse,” “Abandonment,” “Neglect,” “Caregiver,” and “Child” are defined as set forth in Section 39.01, Florida Statutes.

B. “Administrator,” as set forth in BOG Regulation 3.002 (with additions to reflect USF System-specific employee titles and positions), means the following high level personnel who have been assigned the responsibilities of System or University-wide academic or administrative functions: university president, chancellor, provost, senior/executive vice presidents, vice presidents, associate vice presidents, associate or vice provosts, deans, chief of police, equal opportunity programs director, intercollegiate athletics director, internal audit director, Title IX coordinator and university compliance officer.

C. “USF System Police Departments (USFPD)”, as set forth in BOG Regulation 3.002 (modified to reflect USF System-specific organizational units and titles) means the law enforcement agency on each USF System Campus.
enforcement agency established by the USF System for each campus, collectively referred to within this policy as USFPD. The chief of police is the reporting individual for each campus police department.

III. REPORTING OBLIGATIONS

A. Any Person. Section 39.201, Florida Statutes requires any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected, to report such knowledge or suspicion to the Florida Department of Children and Family Services (DCF). In addition to this reporting obligation, Section 39.205(1), Florida Statutes prohibits any person from knowingly and willfully preventing another person from meeting their reporting obligation to DCF. Any person may contact the USFPD to make a report of suspected child abuse at any time; however, this does not negate their statutory obligation to first report to DCF.

B. USF Administrators. In addition to the mandates set forth in Sections 39.201 and 39.205, Florida Statutes (described in Section III.A, above) which apply to any person: Section 39.205(3), Florida Statutes requires USF System administrators, upon receiving information from faculty, staff, or other institution employee of known or suspected child abuse, abandonment, or neglect committed on university property, or during a university-sponsored event or function, to report such knowledge or suspicion to DCF; and prohibits USF System administrators from knowingly and willfully preventing another person from doing so.

C. USF System Employees: The reporting requirements for all USF System employees (faculty, administrators, staff and temporary) include both of the following:
1. Reporting directly to DCF as set forth in Sections 39.201 and 39.205, Florida Statutes as described in Section III.A. and B.

2. Reporting directly to USFPD by those USF System employees who know, or have reasonable cause to suspect, that a child is abused, abandoned, or neglected on university property, or during a university-sponsored event or function, are required to report such knowledge or suspicion. Employees whose job responsibilities include confidential reporting and counseling such as victim advocates or the counseling center who may become aware of child abuse off of University campus property must report to DCF but may be exempt from this additional USF System internal reporting.

3. In the event a USF System employee is uncertain as to whether there is a duty to report, USF recommends that an employee make the report.

D. USFPD: The reporting and related responsibilities of the USFPD include:

1. Reporting directly to DCF as required by Section 39.205(4), Florida Statutes any known or suspected child abuse, abandonment, or neglect committed on university property or during a university-sponsored event or function.

2. Establishing and following internal department protocols to ensure that upon receipt of a report made under this Policy the USFPD provides information to the appropriate USF System Supervisors or Administrative offices (such as Human Resources, Student Affairs, or the Office of Diversity & Equal Opportunity (DEO)) for an internal University review and action.

3. Compliance with federal and state reporting laws including but not limited to the Jeanne Clery Act.
E. Local and State contact information should be verified for updates; however, for reference, at the time of promulgation, the contact information for DCF and USFPD is provided below:

- **Florida Department of Children and Family Services (DCF):**
  
  Telephone: 1-800-962-2873

  Fax: 1-800-914-0004 (Advisable to retain receipt of fax transmission)

  Web Address for Florida Abuse Hotline: [https://abuse-report-bc.dcf.state.fl.us/AbuseWebReport/AddReporterinfo.aspx](https://abuse-report-bc.dcf.state.fl.us/AbuseWebReport/AddReporterinfo.aspx)

- **USF Police/Law Enforcement Offices (USFPD):**
  
  USF (Tampa): 813-974-2628

  USFSP: 727-873-4140

  USFSM: 941-487-4210

  Polk State College Security: 863-297-1059

F. **USF System Community:** In addition to requiring reporting of suspected child abuse, USF System community members, defined under USF System Policy 0-004 as employees, students, and program invitees of the USF System, have reporting responsibilities for sexual harassment (which includes sexual violence such as battery or rape). For more information concerning these USF System community member reporting responsibilities, consult USF System Policy 0-004, available at [http://generalcounsel.usf.edu/policies-and-procedures/pdfs/policy-0-004.pdf](http://generalcounsel.usf.edu/policies-and-procedures/pdfs/policy-0-004.pdf).
IV. SANCTIONS FOR NON-COMPLIANCE:

A. State Level Sanctions for Non-Compliance:

Florida State and Board of Governors sanctions for non-reporting or non-compliance are codified in Section 39.205, Florida Statutes and establish specific sanctions and processes for a review of an allegation of non-compliance and include a possible sanction of a fine of $1 million for each such failure to be assessed against a university in the event the BOG determines that a university administrator or university law enforcement agency knowingly and willfully failed to report known or suspected child abuse, abandonment, or neglect to DCF.

A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, commits a felony of the third degree, punishable as provided in Sections 775.082, 775.083, or 775.084, Florida Statutes, which includes up to 5 years imprisonment and a $5,000 fine.

Details concerning the BOG review and appeal process are codified in BOG Regulation 3.002.

B. University Sanctions for Non-Compliance:

Any employee who fails to comply with this Policy will be subject to the applicable penalties as described above. In addition, as this Policy is more inclusive and is specific to the USF System, the USF System may impose additional direct penalties in
accordance with USF System Regulations and Policies up to suspension and
termination from employment.

V. IMMUNITY

Any USF System administrator or employee who makes a report in good faith to the
Florida Abuse Hotline or law enforcement agency regarding known or suspected child
abuse, abandonment or neglect including sexual abuse, shall be immune from any civil or
criminal liability. (Section 39.203 Florida Statutes)

VI. NON-RETLAITION

The USF System prohibits discrimination against any individual because of a good faith
report of child abuse, abandonment, or neglect. Under Florida law, a person who makes a
child abuse, abandonment, or neglect report shall have a civil cause of action for
compensatory and punitive damages against any person who causes detrimental changes in
the employment status of such reporting person by reason of his or her making such
report. (Section 39.203 Florida Statutes)

VII. RELATED STATUTES, POLICIES, AND REGULATIONS:

(Note: All persons should verify current links and statutes for possible changes and/or
updates)

Section 39.01, Florida Statutes.
Section 39.201, Florida Statutes.

Section 39.203, Florida Statutes.

Section 39.205 Florida Statutes.

BOG Regulation 3.002.

USF System Policy 0-004:

Sandy Lovins, Vice President, Administrative Services

Judy Genshaft, President

Authority: Section 7(d), Art. IX, Fla. Const.; Fla. Board of Governors Regulation 3.002; Section 39.201, 39.203, 39.205 F.S. New: _____.