

District Board of Trustee Policy



Policy Title: Child Abuse Reporting

Policy Number: 6Hx6:2.08

Specific Authority:

Florida Statute 1001.64, 39.201 and 39.205

Florida Administrative Code SBOE Rule 6A-14.099

Policy Approved: 11/17/2015; 12/03/2019

Policy:

I. PURPOSE & INTENT

To ensure the safety and well-being of minors on Florida SouthWestern State College property, or during an event or function sponsored by the College and in compliance with Sections 39.201 and 39.205, Florida Statutes and State Board of Education (SBOE) Rule 6A-14.099, Florida SouthWestern State College restates and establishes the following immediate reporting obligations with regard to known or suspected child abuse.

II. DEFINITIONS

In accordance with SBOE Rule 6A-14.099 and 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.

1. "Abuse" means 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.

2. "Abandoned" or "abandonment" means 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.

3. "Child" means any unmarried person under the age of 18 years who has not been emancipated by order of the court.

4. "Neglect" occurs 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.

B. The term "Administrator" means the following high level personnel who have been assigned the responsibilities of college-wide or campus-wide academic or administrative functions, who serve Florida SouthWestern State College with the titles such as: the president, provost, vice provost, vice presidents, assistant vice presidents, general counsel, chief human resource officer, deans, director of public safety, campus safety officer, equal opportunity programs director, intercollegiate athletics director, charter school principal, and the Title IX coordinator.

C. The term "Law Enforcement Agency" means the unit of the college which is vested with the authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic or highway laws of the state.

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 local law enforcement authorities 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. **College "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 College Administrators (as defined above), upon receiving information from faculty, staff, or other institution employee of known or suspected child abuse, abandonment, or neglect committed on college property, or during a college-sponsored event or function, to report such knowledge or suspicion to DCF; and prohibits College Administrators from knowingly and willfully preventing another person from doing so.

C. **Reporting to College's Title IX Coordinator.** All Administrators, faculty, staff, and volunteers, who know of or suspect child abuse, abandonment, or neglect committed on college property, or during a college-sponsored event or function, shall make a report of such knowledge or suspicion to the College's Title IX Coordinator/Equity Officer.

D. Reporting to College's Title IX Coordinator by Others. All providers of mental health services or medical care who know of or suspect child abuse, abandonment, or neglect committed on college property, or during a college-sponsored event or function, shall make a report of such knowledge or suspicion to the College's Title IX Coordinator/Equity Officer, unless such reporting is precluded by the existence of a legally recognized privilege.

IV. SANCTIONS FOR NON-COMPLIANCE

A. State Level Sanctions for Non-Compliance

Florida State Board of Education 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 the College in the event the SBOE determines that a College Administrator 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 SBOE review and appeal process are codified in SBOE Rule 6A-14.099.

B. College 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 Florida SouthWestern State College, the College may impose additional direct penalties in accordance with college policies and procedures up to suspension and termination from employment or termination of services.

V. IMMUNITY

Any Florida SouthWestern State college 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-RETALIATION

Florida SouthWestern State College prohibits retaliation against any individual because of a good faith report of child abuse, abandonment, or neglect. In accordance with Section 39.203, Florida Statutes, a person who makes a child abuse, abandonment, or neglect report shall have a civil cause of action for appropriate 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.