

UNIVERSITY REPORTING PROTOCOLS:
CHILD ABUSE, SEXUAL ASSAULT, AND CHILD PORNOGRAPHY

FREQUENTLY ASKED QUESTIONS

Sexual Assault

- 1. A student disclosed to me that she was sexually assaulted by another student after a party off-campus but she doesn't want to talk to the police. Am I required to disclose this?**

Yes. Employees are required to report allegations of sexual assault involving members of the University community to the MSU Police Department and the Office for Inclusion and Intercultural Initiatives even if the alleged victim requests otherwise. This is because the University is legally obligated to investigate sexual assault complaints involving members of the University community. The investigation process will take into account whether or not the victim wishes to cooperate.

- 2. A student disclosed to me that he was sexually assaulted by a stranger while he was on spring break in Florida. Am I required to disclose this?**

No, not unless you have information to suggest that the perpetrator was a member of the University community. The student should be referred to the MSU Sexual Assault Program for counseling and other victim support services.

- 3. Do I have reporting obligations if a student discloses past sexual assault to me that does not involve sexual abuse of a child or a member of the University community?**

No. In that situation, you do not need to report the prior assault. The student should be encouraged to contact the MSU Sexual Assault Program for any counseling or victim advocacy services needed.

- 4. I am a graduate teaching assistant. What are my reporting obligations?**

Teaching assistants are required to report allegations of sexual assault involving members of the University community to the MSU Police Department and the Office for Inclusion. The TA should then notify his/her faculty of record for the course that a report has been made.

- 5. I conduct research in the area of sexual assault. How will these reporting obligations affect my research and ability to promise confidentiality to research subjects?**

Because the research environment presents a unique set of circumstances, the Institutional Review Board will work with the researcher to develop and approve an appropriate

confidentiality statement and reporting procedure that provides for the ethical treatment and protection of human research participants.

6. What campus resources are available to survivors of sexual assault? Where can survivors of sexual assault receive confidential counseling that will not trigger a report to the police or the Office for Inclusion?

The University has a comprehensive set of counseling and victim advocacy services for survivors of sexual assault. Confidential counseling is available from the following offices:

MSU Counseling Center
MSU Sexual Assault Program & 24-hour Sexual Assault Crisis Line
MSU Safe Place
MSU Psychological Clinic
MSU Couple and Family Therapy Clinic
MSU Olin Psychiatry

For more information about campus resources, see www.sexualassault.msu.edu.

Child Abuse / Child Neglect

1. How do I report child abuse or child neglect?

Mandated reporters should call 855-444-3911 any time day or night. A report should also be made to the MSU Police Department if the abuse or neglect occurred on campus or involves a member of the University community.

Employees and volunteers who are not mandated reporters should report suspected child abuse or neglect directly to the MSU Police Department at 517-355-2222. Employees who do not know whether they are a mandated reporter should call the MSU Police Department.

Additional guidance about reporting suspected child abuse or neglect can be found in the *Mandated Reporter's Resource Guide* at http://www.michigan.gov/documents/dhs/Pub-112_179456_7.pdf.

2. What is the difference between a “mandated reporter” and other employees who are required to report to the MSU Police Department?

The term “mandated reporter” refers to a specific list of professionals who are required by Michigan law to file reports of suspected child abuse or child neglect directly with Child Protective Services. All other employees report suspected child abuse or child neglect directly to the MSU Police Department. The list of “mandated reporters” is included in the Reporting Protocols document. Employees who are confused about whether they are a mandated reporter should report concerns to the MSU Police Department.

3. I am a licensed psychologist and already know that I am a mandated reporter under state law. Do I need to call the MSU Police Department to report suspected child abuse if I already know that I must file an immediate report with Child Protective Services?

No, not unless the suspected child abuse involves a member of the MSU community or occurred on campus. Medical and other health professionals may follow their unit's established reporting protocols for suspected child abuse and neglect. If these protocols require reporting to a third party, the MSU professional needs to understand that the professional is still obligated to report suspected child abuse and neglect to Child Protective Services ("CPS"). If these protocols do not require a report to the MSU police, a report is encouraged for MSU's information.

4. Do MSU faculty, administrators, and academic advisors fall within the definition of a school teacher, school counselor, or school administrator?

Michigan courts have not yet addressed the status of university faculty, academic advisors, and administrators as mandated reporters. The Department of Human Services has advised the University that its faculty, academic advisors, and administrators are not intended to be included in the scope of mandated reporters.

5. I am a graduate teaching assistant. Am I a mandatory reporter? What are my reporting obligations?

Teaching assistants are not considered mandated reporters by virtue of their instructional duties. A teaching assistant would only be a mandated reporter if he/she is also one of the listed professionals in the Reporting Protocols document (e.g., physician, nurse, social worker). Teaching assistants are required to report suspicions of child abuse or child neglect directly to the MSU Police Department at (517) 355-2222. The TA should then notify his/her faculty of record for the course that a report has been made.

6. What are potential indicators of child abuse or neglect?

Information regarding commonly accepted physical and behavioral indicators of abuse and/or neglect can be found under the Abuse and Neglect tab on the Department of Human Services ("DHS") website at <http://www.michigan.gov/dhs>.

7. What is the Child Protective Services investigation process?

A summary of the CPS investigation process can be found at:
http://www.michigan.gov/dhs/0,4562,7-124-7119_50648_7193-159484--,00.html.

8. Is it necessary to have evidence of child abuse, child sexual abuse or child neglect to report?

No. State law requires mandatory reporters to make an immediate verbal report to DHS if the mandated reporter *suspects* child abuse or neglect, followed by a written report within 72 hours.

Pursuant to the DHS website, the reporter is not expected to investigate the matter, know the legal definitions of child abuse and neglect, or even know the name of the perpetrator. For additional information about mandatory reporting, see:

http://www.michigan.gov/documents/dhs/Pub-112_179456_7.pdf

9. If I report, will my identity be confidential?

Yes. The identity of a reporting person is confidential under the Child Protection Law. State law provides for only limited circumstances when the identity of a reporting person can be disclosed.

10. What should I do if a child tells me that he or she has been physically or sexually abused or neglected?

The DHS website provides the following guidance to mandated reporters if a child starts disclosing information regarding child abuse/neglect:

“Mandated reporters should proceed by moving the child into a private environment. This will avoid distraction of the child and provide privacy for a potentially sensitive conversation. During disclosure, mandated reporters should maintain eye contact and avoid displaying any signs of shock or disapproval. Mandated reporters should only ask open-ended questions that allow the child to freely discuss the incident without being led during the conversation. For example, *“how did you get that bruise?”* Again, these discussions should only proceed to the point needed to determine whether a report needs to be made to DHS.”

For more information about reporting obligations, see:

http://www.michigan.gov/documents/dhs/Pub-112_179456_7.pdf.

Employees who are not mandated reporters should avoid questioning, interviewing, or otherwise attempting to elicit additional information from the child. Rather, the employee is encouraged to stay calm, listen to the child, avoid displaying signs of shock or disapproval, and then immediately report the information received to the MSU Police Department.

11. An adult student disclosed in a writing assignment that she was physically abused by a parent when she was a child. Am I required to report this?

Michigan courts have not yet addressed the status of college and university faculty as mandated reporters, nor have they addressed the legal obligation to report prior abuse disclosed by adult students directly to CPS. How to respond to prior abuse disclosed by an adult student is a difficult issue. University reporting protocols must be sensitive to the emotional needs of current students, yet also be cognizant of the fact that other children may currently be at risk from the alleged abuser.

Employees who are not mandated reporters must consult with the Associate Provost for Undergraduate Education & Dean of Undergraduate Studies (“Associate Provost”) when a student discloses prior child abuse. (This type of disclosure might occur in a conversation or

written classroom assignment.) The Associate Provost will confer with campus experts to determine whether, based on the information available, there is reasonable suspicion a child is currently being neglected or abused. The Associate Provost will then make any necessary reports to CPS and the MSU Police Department. The Associate Provost will also advise the employee regarding information to share with the disclosing student, including campus resources.

Mandated reporters who receive a disclosure in their role as a faculty member will determine, based on their training and experience, whether there is reasonable suspicion a child is currently being neglected or abused. Mandated reporters will then file any necessary reports directly with CPS and the MSU Police Department. (Reports are made to the MSU Police when the suspected abuse or neglect occurred or is occurring on campus.) Although the mandated reporter is not required to confer with the Associate Provost in advance, the mandated reporter is expected to notify the Associate Provost of the student's disclosure (without identifying the student) and all steps taken by the employee in response to the disclosure.

Flow charts summarizing the reporting process for prior abuse are attached to the end of this FAQ document.

12. If the Associate Provost is required to disclose prior abuse to Child Protective Services or the MSU Police Department, will the student be informed that a report is being filed?

Yes. The student will be informed that a report must be filed because there is a reasonable suspicion that a child is currently being abused or neglected. The student will be given the opportunity to participate in filing the report. That decision is solely at the student's discretion. The student will also be given a resource guide to summarize the availability of campus counseling and support resources, including a referral to the MSU Counseling Center.

13. If I am required to report child abuse or sexual assault that is disclosed to me as a faculty member, should I advise students of my reporting obligations in advance?

Faculty members are encouraged to include language on their syllabus to notify students about their reporting obligations. The following is sample language that might be included on a syllabus:

***Limits to Confidentiality.** Essays, journals, and other materials submitted for this class are generally considered confidential pursuant to the University's student record policies. However, students should be aware that University employees, including instructors, may not be able to maintain confidentiality when it conflicts with their responsibility to report certain issues based on external legal obligations or that relate to the health and safety of MSU community members and others. As the instructor, I must report the following information to other University offices if you share it with me:*

- *Suspected child abuse/neglect, even if this maltreatment happened when you were a child,*

- *Allegations of sexual assault or sexual harassment when they involve MSU students, faculty, or staff, and*
- *Credible threats of harm to oneself or to others.*
- *These reports may trigger contact from a campus official who will want to talk with you about the incident that you have shared.*

In almost all cases, it will be your decision whether you wish to speak with that individual. If you would like to talk about these events in a more confidential setting you are encouraged to make an appointment with the MSU Counseling Center.

14. The definition of “child abuse” in the protocols is limited to harm from specific individuals. What if I suspect a child is being abused by someone who is not a parent, legal guardian, teacher, clergy member, or other person responsible for the child’s welfare?

The definition of “child abuse” contained in the protocols is taken directly from the Michigan Child Protection Law. In order to align reporting obligations for mandated and non-mandated reporters, the University has adopted the state law definition. Nevertheless, employees and volunteers are strongly encouraged to report any suspected harm to children to the appropriate authorities even if such reporting is not mandated by this policy.

15. What if I suspect that my neighbor is abusing his child or I observe potentially abusive behavior at my local playground? Do the protocols require that I report that to the MSU Police?

No. The reporting protocols address situations when, because of an individual’s employment or volunteering at MSU, he or she suspects a child may be abused or neglected. Suspicions about potential abuse or neglect that are unrelated to MSU do not need to be reported to the MSU Police Department under the protocols. Nevertheless, employees and volunteers are strongly encouraged to report any suspected harm to children to the appropriate authorities even if such reporting is not mandated by this policy.

16. What reporting obligation covers a MSU student teacher or intern who is “in the field” at a K-12 school or other field placement and suspects a child is being abused or neglected?

The MSU student should immediately notify the teacher to whom they are assigned in the field. That teacher is a mandated reporter and will contact CPS directly. The student should also notify his/her faculty instructor at MSU so that the faculty member can provide any necessary assistance or advice. If for some reason the MSU student does not believe the school teacher has reported the suspected abuse to CPS, the student and his/her faculty member will determine whether the student should contact CPS directly.

Child Pornography

1. I am confused about the definition of child pornography. Where can I get more information?

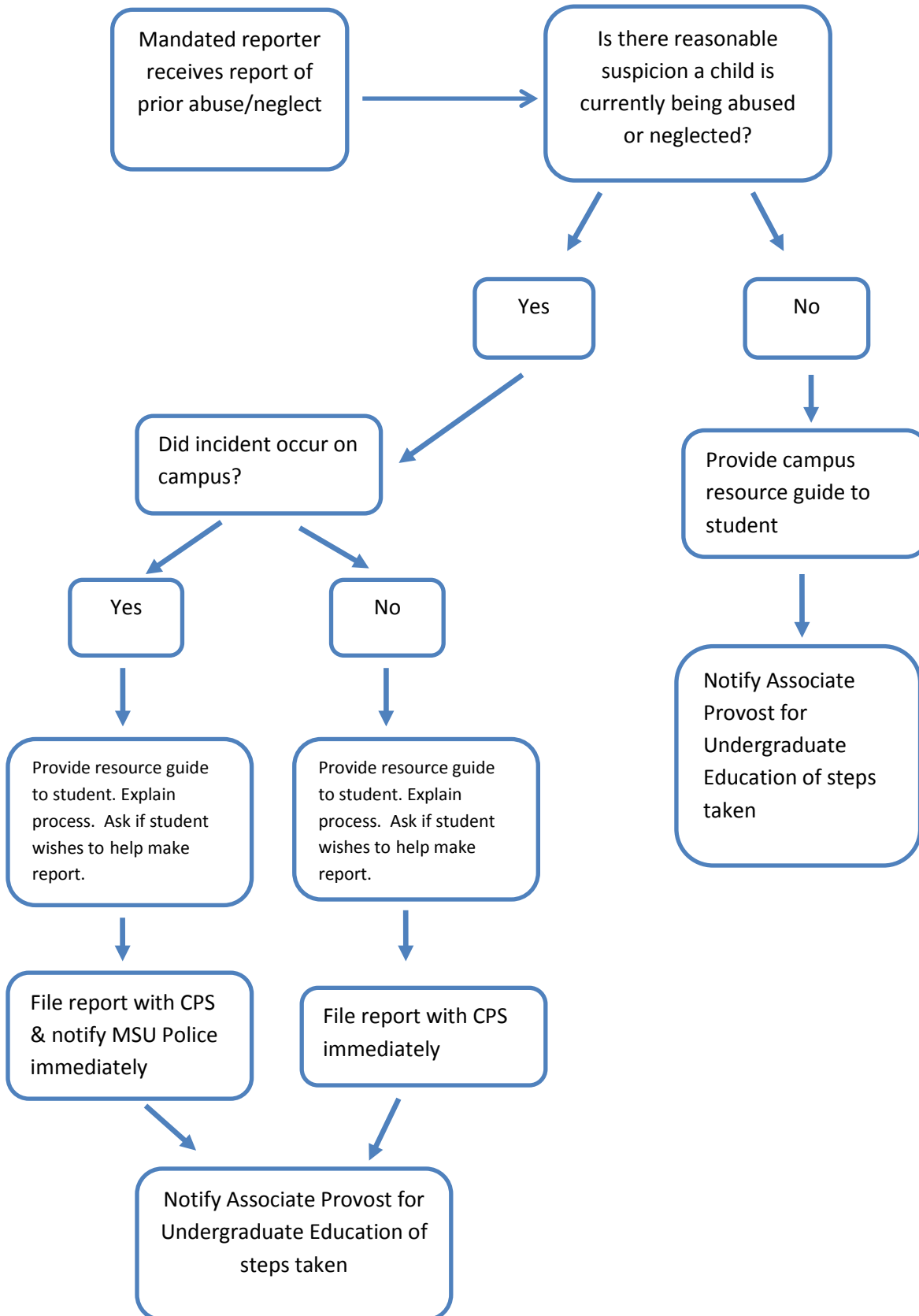
The full text of the Michigan statute (MCLA 750.145c) that prohibits child pornography can be viewed at <http://legislature.mi.gov/doc.aspx?mcl-750-145c>.

Child Maltreatment Resource Guide

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Mandated Reporters: Prior Abuse Reporting Protocol Flow Chart



Faculty & Academic Staff Employees: Prior Abuse Reporting Protocol Flow Chart

