I. Background

On December 19, 2011, Governor Scott Walker signed Executive Order 54, which requires all University of Wisconsin System employees, volunteers, and contractors to report incidents of child abuse and neglect learned of in the course of their work with UW-Eau Claire.

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-Eau Claire 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. Reporting Responsibilities and Protections

A. Who must Report.

1. Any UW-Eau Claire employee, volunteer, or contractor, who, in the course of employment, observes or learns of an incident or threat of child abuse or neglect, and has reasonable cause to believe that the child abuse or neglect has occurred or will occur must report the incident or threat immediately.

2. UW-Eau Claire employees who are mandatory reporters under Wis. Stat. § 48.981(2) (e.g., health practitioner, social worker, law enforcement officer, child care provider) must continue to comply with those statutory requirements.

B. How to Report

1. Anyone who must report under section III.A.1., must contact the Affirmative Action Officer, 715-836-2387, ohallote@uwec.edu, or the Chief of University Police, (715) 836-2222, sprickdw@uwec.edu, who will then assist the employee, volunteer, or contractor in making his or her report.

2. Typically, reports concerning children will be made to Eau Claire County Social Services 715-839-2300, and reports concerning past abuse or neglect of someone now an adult will be made to University Police.

3. If there is imminent danger, always call 911 first.

4. Treat information regarding suspected abuse or neglect as sensitive and confidential and share it only with appropriate individuals, such as the agencies to whom reports are to be made and appropriate University officials.

C. No 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. Any employee who fails to report suspected child abuse or neglect in violation of this policy may be found to be in violation of an applicable work rule and may be subject to disciplinary action up to and including termination of employment.
V. UW-Eau Claire Responsibilities

A. Criminal background checks will be conducted on employees, volunteers, and contractors who have regular contact with children in the course of performing duties or services for UW-Eau Claire or in connection with a UW-Eau Claire sponsored activity.

B. Any contractors with UW-Eau Claire whose employees will have regular contact with children must supply employees that have passed criminal background checks.

C. Contracts for the provision of services should include an obligation to report incidents of child abuse and neglect. Whenever possible, written contracts shall include the following provision (or alternative language as approved by legal counsel):

If, in the course of providing services to UW-Eau Claire, contractor (or its agent or employee) observes an incident of child abuse or neglect, or learns of an incident of child abuse or neglect and the contractor (or its agent or employee) has reasonable cause to believe that child abuse or neglect has occurred or will occur, contractor (or its agent or employee) must make a report of that child abuse as provided in UW-Eau Claire’s Policy on Mandatory Reporting of Child Abuse and Neglect.

D. Employees and volunteers will be informed about Executive Order 54 and related policies and procedures, including information about abuse and neglect and contact information for making reports of child abuse and neglect.

F. UW-Eau Claire will provide and/or post information in appropriate areas to notify children who to contact if they are a victim of child abuse or neglect.

G. Documentation related to reports of child abuse or neglect will be stored and maintained in a secure location.

H. Questions regarding the applicability of this policy to a particular individual or situation should be directed to Teresa O’Halloran, Affirmative Action Officer, or David Sprick, Chief of University Police.