



## MANDATORY CHILD ABUSE REPORTING POLICY

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**Purpose:** Swarthmore College strives to safeguard the well-being of Minors visiting campus and/or participating in College-sponsored programs. As a result, this *Mandatory Child Abuse Reporting Policy* addresses Swarthmore College employee mandatory reporting obligations when child abuse is suspected; describes what to report; and details how to make a report.

**Scope:** This policy describes the mandatory child abuse reporting obligation for all College employees and this policy applies to all programs, activities or services occurring on the Swarthmore College campus, or at College-sponsored activities occurring off-campus.

For purposes of this policy, the following definitions apply:

A “*Minor*” or a “*Child*” means any individual under 18 years of age.

An “*Employee*,” is any individual employed by the College or who provides a program, activity, or service sponsored by the College, whether paid or unpaid. These individuals include staff and instructional staff members (including faculty), independent contractors, and volunteers of the College.

**Basic Reporting Duty:** Any Employee, who has reasonable cause to suspect that a Minor who is on College property for any reason, or is participating in a College-sponsored activity at another location, has been the victim of child abuse shall immediately report the suspected abuse consistent with this policy. This is a mandatory reporting obligation.

**Authority:** This policy is consistent with requirements of the Pennsylvania Child Protective Services Law (CPSL), which can be found at 23 Pa. Cons. Stat. 6301, et seq.

### **What Must Be Reported**

You must report child abuse you have reasonable cause to suspect. Child abuse, according to the CPSL, means intentionally, knowingly or recklessly doing any of the following:

1. Causing bodily injury to a child through any recent act or failure to act.
2. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
3. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
4. Causing sexual abuse or exploitation of a child through any act or failure to act.
5. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
6. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
7. Causing serious physical neglect of a child.
8. Engaging in any of the following recent acts:
  - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.

- b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
  - c. Forcefully shaking a child under one year of age.
  - d. Forcefully slapping or otherwise striking a child under one year of age.
  - e. Interfering with the breathing of a child.
  - f. Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement.
  - g. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
    - i. is required to register under Megan's Law as a Tier II or III sexual offender;
    - ii. has been determined to be a sexually violent predator under Megan's Law; or
    - iii. has been determined to be a sexually violent delinquent child under Megan's Law.
9. Causing the death of the child through any act or failure to act.

"Recent" is defined as any act of child abuse committed within the previous two years. Sexual abuse, serious mental injury, serious physical neglect and deaths have no time limit.

### **How to Make a Report**

In the interest of protecting the safety and welfare of a child, any uncertainty about whether reporting is required or whether abuse has actually occurred should always be resolved in favor of making a report. Do not investigate, do not attempt to obtain proof, and do not try to solicit information from the child. This responsibility lies with the Pennsylvania Department of Human Services.

*If the child you would like to report is in immediate danger, please call 911 immediately.*

Follow these steps to make an immediate and direct report of suspected child abuse to the PA Department of Human Services and to the College:

1. **REPORT TO CHILDLINE**
  - a. IMMEDIATELY CALL: Pennsylvania's ChildLine at 800-932-0313; and
  - b. WITHIN 48 HOURS SUBMIT A WRITTEN REPORT: to the Pennsylvania Department of Human Services at [CY-47](#) form and mailing it to the [Department headquarters or, if known, the Pennsylvania county children and youth agency](#) where the suspected abuse occurred.

**AND**

2. **REPORT TO PUBLIC SAFETY**: After contacting Pennsylvania's ChildLine, notify Swarthmore College Director of Public Safety, Michael Hill (610-328-8281, [mhill1@swarthmore.edu](mailto:mhill1@swarthmore.edu)) and complete the [Public Safety Online Incident Report Form](#).

### **Confidentiality of reports**

Reports made directly to the Pennsylvania Department of Human Services's ChildLine and Abuse Registry can be made anonymously. In order to ensure that the College gives the suspected abuse appropriate and immediate attention, employees are also required to report suspected abuse internally as described above. Reports will be handled with discretion and

in cooperation with the Pennsylvania Department of Human Services and local authorities.

January 24, 2023

### **Non-Retaliation**

Any person who makes a good faith report of child abuse must not be subjected to retaliation in any form. Retaliation will be considered a violation of College policy and will result in serious disciplinary action, up to or including dismissal.

### **Immunity from Liability**

Under the Pennsylvania CPSL, any person who makes a good faith report of child abuse or who participates in a subsequent investigation in good faith will have immunity from civil and criminal liability that might otherwise result from such actions.

### **Failure To Report**

A failure by a Swarthmore College employee under this policy to report suspected child abuse is a violation of this policy and may result in disciplinary review. Also, criminal penalties exist for a mandated reporter, as defined by the Child Protective Services Law, who willfully fails to report child abuse. The penalties can range from a misdemeanor up to a felony.

### **Encouraged Reporters**

Any individual who, for any reason, does not fall under definition of "Employee" set forth above or is not included in the list of mandated reporters, is nonetheless encouraged to make a report of suspected child abuse as per the directions above. Individuals who are encouraged to report suspected child abuse are entitled to the same privileges and protections as are afforded to Employees.

### **For More Information**

If you have any questions about this policy contact, Human Resources, [humanresources@swarthmore.edu](mailto:humanresources@swarthmore.edu), (610) 328-8397

If you have any questions about the PA Child Protective Services Law, visit: [www.KeepKidsSafe.pa.gov](http://www.KeepKidsSafe.pa.gov).

For a free, online DHS-approved training course, visit: [www.ReportAbusePA.pitt.edu](http://www.ReportAbusePA.pitt.edu)

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Under the PA Child Protective Services Law (23 Pa. Cons. Stat. 6301, et seq.), the following adults are considered mandated reporters and are required to report suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse:

- A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.
- A medical examiner, coroner or funeral director.
- An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.
- A school employee.
- An employee of a child-care service who has direct contact with children in the course of employment.
- A clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization.
- An individual paid or unpaid, who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, is a person responsible for the child's welfare or has direct contact with children.
- An employee of a social services agency who has direct contact with children in the course of employment.
- A peace officer or law enforcement official.
- An emergency medical services provider certified by the Department of Health.
- An employee of a public library who has direct contact with children in the course of employment.
- An individual supervised or managed by a person listed above, who has direct contact with children in the course of employment.
- An independent contractor.
- An attorney affiliated with an agency, institution, organization or other entity, including a school or regularly established religious organization that is responsible for the care, supervision, guidance or control of children.
- A foster parent.