



## CHILD ABUSE AND NEGLECT POLICY

No: SAAP 10-2

Date: August 28, 2012

**Authority:** Executive Order #54 (signed by Governor Scott Walker on December 19, 2011)  
Wisconsin Statute § 48.981

**Initiator:** Chancellor

**Responsible**

**Party:** Provost & Vice Chancellor for Academic Affairs and Vice Chancellor for Student Affairs

---

### I. BACKGROUND

The University of Wisconsin-Milwaukee (“UWM”) strives to provide a safe and secure learning and working environment for everyone involved in university activities. Children come into contact with UWM employees through various programs, camps, and events. On December 19, 2011, the Governor signed [Executive Order #54](#) which requires that all University of Wisconsin System employees must report incidents of child abuse and neglect. In addition, this policy extends that obligation to volunteers and contractors performing services for UWM.

### II. DEFINITIONS

For the purposes of this policy:

- 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 System (UWM) employee, regardless of appointment type or method of compensation. This includes:
- a. Faculty, Academic Staff, University Staff
  - b. Limited Term Employees (LTEs) and Classified Project Staff
  - c. Teaching Assistants (TAs), Project Assistants (Pas), and student-hourly workers
  - d. Post-doctoral trainees
  - e. Research Associates
  - f. Individuals without an appointment who are paid through a Payment to Individual Report (PIR) form
- 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 REQUIREMENTS

- A. Executive Order #54 requires that each UWM employee report child abuse or neglect immediately if, in the course of employment, that UWM employee observes an incident or threat of child abuse or neglect, or learns of an incident or threat of child abuse or neglect, and the employee has reasonable cause to believe that child abuse or neglect has occurred or will occur.
- B. This policy hereby establishes the requirement that volunteers for UWM abide by the same reporting obligations as employees (as stated in Section III.A above).
- C. Collecting additional information that is readily available (such as talking to coworkers who also interact with that child) or verifying that the information learned meets the criteria for reporting may be appropriate, but any such action must be conducted promptly. Individuals should not delay reporting in order to gather evidence; the agency to whom one reports the information will determine whether such an investigation is warranted.
- D. A report must be made personally or by telephone to the county department of social services or the county department of human services, or to law enforcement (county sheriff or the city, village, town, or university police department). For abuse occurring in Milwaukee, UWM employees may make reports to:
  - 1. Bureau of Milwaukee Child Welfare  
Call: 414-220-SAFE (7233)
  - 2. UWM Police Department  
For emergencies, call: 414-229-9911 or x9911  
For non-emergencies, call 414-229-4627
  - 3. City of Milwaukee Police Department  
For emergencies, call: 911  
For non-emergencies, call: 414-933-4444
  - 4. Milwaukee County Sheriff's Department  
For non-emergencies, call: 414-226-7000
- E. Executive Order #54 does not specifically address whether an employee must report information learned about an adult who was the victim of abuse or neglect as a child. Making such a report, however, may raise issues relating to state and federal law and professional codes of ethics. Therefore, before making any report

involving an adult who was the victim of childhood abuse or neglect, employees should contact the UWM Office of Legal Affairs at: 414-229-4278.

- F. If the reported abuse or neglect is connected to UWM (see examples below), then it must also be reported to a Dean, Director or Division Head or the Office of Equity and Diversity Services. (Any employee may request assistance from his or her supervisor in making this report.) The Dean, Director or Division Head must report the abuse or neglect to the UWM Police Department, if it involves potential criminal conduct, and the Office of Equity and Diversity Services, if it involves any potential sexual abuse or harassment. Deans/Directors/Division Heads are encouraged to discuss the allegation with the Office of Legal Affairs. Abuse or neglect is “connected to” UWM when it involves:
1. An allegation against a UWM employee, student, agent, volunteer, or contractor, or
  2. The suspected child abuse or neglect occurred in or at UWM facilities or on land, or
  3. The suspected child abuse or neglect occurred during or in connection with a UWM-sponsored activity.
- G. A UWM employee who is a mandatory reporter by profession under Wis. Stat. § 48.981(2) (e.g., health practitioner, social worker, law enforcement officer, child care provider) must continue to comply with the state mandatory reporter law requirements.
- H. UWM employees may share information regarding suspected abuse or neglect only with appropriate individuals, such as the agencies to whom reports are to be made, appropriate University officials, and co-workers when one is promptly seeking additional information for a report. Beyond appropriate disclosures, employees should treat the information as sensitive and confidential.
- I. Questions regarding the applicability of these requirements to a particular individual or situation should be directed to the Office of Legal Affairs.

#### **IV. POLICY IMPLICATIONS AND CONSEQUENCES**

- A. No UWM 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.
- B. Any UWM employee who fails to report suspected child abuse or neglect in violation of this policy may be subject to disciplinary action up to and including termination of employment.

## V. **CAMPUS RESPONSIBILITIES AS A RESULT OF EXECUTIVE ORDER 54**

- A. Criminal background checks will be performed pursuant to UWM's Criminal Background Check Policy (SAAP 7-4), and must be conducted on employees, volunteers, and contractors who have regular contact with children in the course of performing duties or services for UWM or in connection with a UWM-sponsored activity.
- B. UWM employees and volunteers will receive training or education on the subject of child abuse and neglect; this training or education may differ depending upon (1) the type and degree of contact the individual may have with children on campus or (2) other training or education regarding mandatory reporting an individual might receive due to his or her profession.
- C. UWM employees and volunteers will be informed through handbooks, institutional websites, or other appropriate means about:
1. Executive Order #54;
  2. Institutional policies and procedures;
  3. Contact information for the local county department of human services and local law enforcement.
- D. To the maximum extent feasible, UWM will include, in all written contracts for provision of services by independent contractors other than research subcontracts, an obligation to report incidents of abuse and neglect. Written contracts shall include the following provision (or alternative language as approved by the Office of Legal Affairs):
- “If, in the course of providing services to UWM, contractor (or its agent or employee) observes an incident or threat of child abuse or neglect, or learns of an incident or threat 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 must make a report of that abuse or neglect to law enforcement or to a county social service agency as provided in UWM's Child Abuse and Neglect Policy. If the suspected child abuse or neglect involves UWM (see Section III.F. of UWM's Child Abuse and Neglect Policy), the contractor shall also report that abuse to the UWM Office of Equity and Diversity Services.”
- E. Any documentation related to a UWM employee or volunteer report of child abuse or neglect (including internal reports required under Section III.E above) will be stored and maintained in a secure location.