

# Reporting Suspected Child Abuse Policy

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## SECTION I. PURPOSE

The University of St. Thomas has zero tolerance for child abuse or exploitation of any kind. One of the most effective ways to protect children is to report known or suspected abuse and exploitation to appropriate authorities. The purpose of this policy is to ensure prompt reporting of known or suspected child abuse and child pornography, so that appropriate authorities can take timely action to stop the abuse or exploitation and address its effects.

## SECTION II. SCOPE AND APPLICABILITY

This policy applies to St. Thomas students, employees (faculty, staff and student workers), contractors, volunteers, visitors and licensees.

## SECTION III. DEFINITIONS

When used in this policy, the following terms have the following meanings:

- a. **Child** means an individual under the age of 18.
- b. **Child abuse** means any known or suspected neglect or physical or sexual abuse of a child. The legal definitions of neglect, physical abuse and sexual abuse can be found in Minnesota Statutes Section 260E.03, as further detailed in **Appendix A** to this policy.
- c. **Child pornography** means any visual depiction, in any form, of sexually explicit conduct or content that involves or appears to involve a child.
- d. **Covered person** means any person subject to this policy, as set forth in Section II.
- e. **Required Reporter** means:
  - all St. Thomas employees, whether full-time or part-time staff, faculty, clergy, members of a collective bargaining unit, adjunct faculty or temporary staff, **except** for student workers who do not work with children;
  - all students who work with children at St. Thomas or through a course, event, program or activity that is sponsored by, affiliated with, or arranged by St. Thomas;
  - all members of the St. Thomas Board of Trustees; and
  - all persons volunteering at or for St. Thomas.

## SECTION IV. REQUIRED REPORTING OF CHILD ABUSE

St. Thomas requires reporting of child abuse and neglect as set forth below. Many Required Reporters are considered mandatory reporters of child abuse under Minnesota law. Minnesota law protects individuals who make reports of child abuse in good faith.

**A. REQUIRED REPORTERS MUST REPORT CHILD ABUSE TO LAW ENFORCEMENT**

**1. Who Must Make Reports to Law Enforcement?**

To ensure compliance with mandatory reporting requirements under the law, St. Thomas requires all Required Reporters to report child abuse to law enforcement authorities.

Students and others who are not Required Reporters are encouraged, but not required by this policy, to report child abuse to law enforcement. However, if a student or other person meets the definition of a mandatory reporter under state law, they are expected to fulfill their legal obligations.

In the event of a conflict between this policy and applicable professional ethical rules, such as the Minnesota Board of Psychology Rules of Conduct, the Minnesota Board of Social Work Practice statutes, or the Minnesota Rules of Professional Conduct for attorneys, reporters are expected to follow the applicable professional ethical rules and their mandatory reporter obligations under Minnesota law.

**2. What Must Be Reported?**

Required Reporters must make a report to law enforcement authorities if the Required Reporter knows or has reason to believe that a child (a) is being neglected or physically or sexually abused or (b) has been neglected or physically or sexually abused within the preceding three years.

**3. When Must I Report?**

Immediately. Oral reports must be made to law enforcement authorities as soon as possible and in no event later than 24 hours after you become aware of or suspect the child abuse. Legally mandated reporters of child abuse must follow up with a written report within 72 hours (not including weekends and holidays).

**4. Who Do I Call?**

Reports must be made to the police, the county sheriff, or the local child protection services agency:

Contact	Phone
<b><i>Emergencies/Immediate Danger</i></b>	
On Campus – St. Paul and Minneapolis	(651) 962-5555 Public Safety will call 911 and direct officers to appropriate campus location
Off Campus – St. Paul and Minneapolis	911
Rome	113
<b><i>Non-Emergency Reporting</i></b>	
Ramsey County Child Protection Services	(651) 266-4500 (651) 291-6795 (After regular hours)
Hennepin County Child Protection Services	(612) 348-3552
St. Paul Police (non-emergency)	(651) 291-1111
Minneapolis Police (non-emergency)	(612) 348-2345
U.S. Embassy in Rome	06 46741

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## **B. COVERED PERSONS MUST REPORT CHILD ABUSE TO ST. THOMAS**

### **1. Who Must Make Reports to St. Thomas, and What Must Be Reported?**

All covered persons (including Required Reporters), must make a report to St. Thomas if the covered person knows or has reason to believe that a child (1) is being or has been neglected or physically or sexually abused, and (2) the neglect or abuse meets any one of the following criteria:

- it was committed by a St. Thomas faculty member, staff member, student, trustee or volunteer;
- it occurred on or near any St. Thomas campus (St. Paul, Minneapolis or Rome);
- it occurred off campus, but in connection with a St. Thomas course, event, program or activity;
- it occurred in a space leased or licensed by St. Thomas; or
- it is otherwise connected to St. Thomas in any way.

Reports to St. Thomas are required *in addition to* any reports made to law enforcement.

### **2. When Must I Report?**

Immediately. Reports must be made as soon as possible and in no event later than 24 hours after you become aware of or suspect the child abuse.

### **3. Who Do I Contact?**

Students working in field practicum or student teaching settings who know or suspect child abuse occurring at their placement site must follow professional and legal guidance for mandated reporting and make a report to their faculty supervisor.

For all other covered persons, if the child abuse is ongoing or occurred anytime within the preceding three years, the report must be made to St. Thomas Public Safety, which will take any appropriate responsive action in consultation with the Office of General Counsel. If the child abuse occurred more than three years ago, the report must be made directly to the Office of General Counsel.

In the event of a conflict between this policy and applicable professional ethical rules, such as the Minnesota Board of Psychology Rules of Conduct, the Minnesota Board of Social Work Practice statutes, or the Minnesota Rules of Professional Conduct for attorneys, covered persons are expected to follow the applicable professional ethical rules and their mandatory reporter obligations under Minnesota law.

## **SECTION V. REQUIRED REPORTING OF CHILD PORNOGRAPHY**

St. Thomas has zero tolerance for child pornography. The production, distribution, reception or possession of child pornography is a crime. Any covered person who knows or suspects such activities must immediately report them to St. Thomas Public Safety if the activities are:

- on or near any St. Thomas campus (St. Paul, Minneapolis or Rome);
- off campus, but in connection with a St. Thomas course, event, program or activity (other than a field practicum or student teaching setting);
- off campus, in a space leased or licensed by St. Thomas;

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- using any St. Thomas property (including, but not limited to, computers, servers, phones, systems, accounts, or other resources); or
- otherwise connected to St. Thomas in any way.

Covered persons also must notify Public Safety if they have reason to believe that a covered person is engaging in these activities in any other location. Public Safety will alert law enforcement and oversee the University's cooperation with the law enforcement investigation.

## **SECTION VI. QUESTIONS ABOUT REPORTING OBLIGATIONS ENCOURAGED**

St. Thomas will seek to fully support individuals who may need to make a report under this policy. If you have questions about whether a report to law enforcement or Public Safety is required, contact Human Resources, the Dean of Students, or the Office of General Counsel. Covered persons also may call the local child protection services office and inquire about whether a report should be made to law enforcement.

Frequently Asked Questions accompany this policy and contain additional information to help covered persons understand legally mandated reporting requirements and protections for individuals who report child abuse or child pornography to law enforcement.

## **SECTION VII. NO RETALIATION**

St. Thomas strictly prohibits retaliation against any person who makes a good faith report under this policy or who participates in an investigation related to a report made under this policy. St. Thomas will take steps to prevent retaliation and will take strong responsive action if retaliation occurs. Any conduct by a covered person that constitutes retaliation or reprisal is subject to disciplinary action, up to and including dismissal, expulsion and prohibition from campus.

Any person who feels they have been retaliated against for making a report under this policy or for participating in an investigation should contact Human Resources or the Dean of Students.

St. Thomas may impose sanctions if it determines that an individual knowingly and in bad faith made a false report under this policy, knowingly provided false information, or intentionally misled a St. Thomas representative or law enforcement during an investigation.

## **SECTION VIII. VIOLATIONS**

Any covered person who violates this policy will be subject to disciplinary action, up to and including dismissal, expulsion and prohibition from campus. For students, faculty and staff, discipline will be administered in accordance with any applicable student, faculty or employee handbook.

# Appendix A to Reporting Suspected Child Abuse Policy

## FAQ

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### FREQUENTLY ASKED QUESTIONS

#### **A. Who is required to report child abuse and child pornography to St. Thomas?**

All St. Thomas students, faculty, staff, trustees, volunteers, contractors, licensees and visitors who become aware of known or suspected child abuse or child pornography on the St. Thomas campus or otherwise involving St. Thomas are required to make an immediate report to St. Thomas, unless this requirement is in conflict with professional rules that apply to the reporter (such as the Minnesota Board of Psychology Rules of Conduct, the Minnesota Board of Social Work Practice statutes, or the Minnesota Rules of Professional Conduct for attorneys). In that case, the reporter must follow the applicable professional ethical rules and their mandatory reporting obligations under Minnesota law.

#### **B. Who is required to report child abuse to law enforcement?**

Individuals who are Required Reporters under the policy, or who otherwise are mandatory reporters of child abuse under Minnesota law, must report child abuse to law enforcement authorities.

Under the policy, Required Reporters include all St. Thomas trustees, volunteers and employees (faculty, staff and student workers), other than student workers who do not work with children as part of their job. Student workers who work with children as part of their job, and all other faculty and staff employees, are Required Reporters regardless of whether they are full-time, part-time, clergy, members of a collective bargaining unit, adjunct faculty or temporary staff.

Depending on their personal circumstances, some individuals who are not Required Reporters under the policy might be considered mandatory reporters under Minnesota law. If so, St. Thomas expects those individuals to comply with any legal requirements that apply to them.

#### **C. How do I know if I'm a mandatory reporter of child abuse under Minnesota law?**

Minnesota law requires reports of child abuse and neglect by:

1. a professional or delegate of a professional who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, correctional supervision, probation and correctional services, or law enforcement; or
2. a member of the clergy who received the information while engaged in ministerial duties” provided the information is not privileged under Minnesota Statutes Section 260E.06, subd. 1(a)(2).

See [Minnesota Statutes Section 260E.06](#).

All St. Thomas faculty and many St. Thomas staff are professionals or delegates of a professional in the field of education or in one of the other categories listed above. Examples of individuals who should consider themselves mandatory reporters of child abuse under Minnesota law include, but are not limited to:

- All faculty
- All coaches, assistant coaches and other Athletics staff
- All clergy
- All members of the President's Cabinet
- All Academic Advising staff
- All Admissions staff
- All Campus Ministry staff
- All Public Safety staff
- All Student Affairs staff, including (but not limited to):
  - All staff in the Dean of Students Office
  - All Counseling and Psychological Services staff
  - All Health Services staff
  - All Residence Life staff
- Any person who works with children or who supervises students or employees who work with children
- Any other professional or delegate of a professional in the field of education, healing arts, social services, psychological or psychiatric treatment, child care, law enforcement, correctional supervision, and probation and correctional services.

**D. What are the definitions of "physical abuse," "sexual abuse" and "neglect"?**

The term "physical abuse," "sexual abuse" and "neglect" are specifically defined by [Minnesota's mandatory reporting law](#). The definitions are technical. For that reason, if you are unsure if conduct constitutes abuse or neglect, call the applicable child protection services agency and ask. You may also consult with St. Thomas Human Resources, the Dean of Students or the Office of General Counsel.

The [Minnesota Department of Human Services](#) has summarized the definitions of "physical abuse," "sexual abuse" and "neglect" as follows:

- **"Physical Abuse** is any physical injury or threat of harm or substantial injury, inflicted by [a person responsible for a child's care] upon a child other than by accidental means. The impact of physical abuse can range from minor bruises to severe internal injuries and death. Physical abuse does not include reasonable and moderate physical discipline of a child that does not result in an injury."
- **"Sexual abuse** is the subjection of a child to a criminal sexual act or threatened act by a person responsible for the child's care or by a person who has a significant relationship to the child or is in a position of authority."

- **“Neglect** is the most common form of maltreatment; over 60 percent of all reports in 2009 were allegations of neglect. Neglect usually involves the failure of the child’s caregiver to:
  - Supply the child with necessary food, clothing, shelter, medical or mental health care, or appropriate supervision
  - Protect the child from conditions or actions that endanger the child
  - Take steps to ensure that a child is educated according to the law.

Exposing a child to certain drugs during pregnancy and causing emotional harm to a child may also be considered neglect.”

These are only summaries of the legal definitions, not complete definitions. For that reason, it’s a good idea to ask if you believe conduct may constitute abuse or neglect.

**E. What if the abuse or neglect happened in the past?**

**1. Required Reports to Law Enforcement**

Under the policy, Required Reporters must make a report to law enforcement if the Required Reporter knows or has reason to believe that a child has been neglected or physically or sexually abused anytime within the preceding three years. This is consistent with the obligation of mandatory reporters under Minnesota law. Because many St. Thomas students and applicants have been a child (under the age of 18) within the past three years, information they share with a Required Reporter about child abuse may trigger a reporting obligation.

**2. Required Reports to St. Thomas**

Students working in field practicum or student teaching settings must make reports to their faculty supervisor, regardless of when the child abuse occurred.

For all other covered persons, if the child abuse occurred anytime within the preceding three years, covered persons must make their report to Public Safety. If the child abuse occurred more than three years ago, the report must be made to the Office of General Counsel (651-962-6571).

**F. What if rules of professional ethics require me to keep information confidential?**

Under Minnesota’s mandatory reporting law, many professionals who normally must keep client information confidential under professional ethical rules are required to make reports of child abuse and neglect. In some cases, there may be a conflict between the ethical rules applicable to a professional (like a lawyer or member of the clergy) and the St. Thomas policy requirement to make reports to law enforcement and St. Thomas Public Safety. When faced with these conflicts, covered persons are required to follow any mandatory reporting obligations they have under state law and to comply with applicable professional ethical rules.

**G. What if I’m unsure whether to make a report?**

If you’re unsure whether to make a report, ask. St. Thomas Human Resources (651-962-6510), the Dean of Students (651-962-6050) and the Office of General Counsel (651-962-6571) can help make a determination of whether a report is required under the policy. You also may call the local child protection services agency and inquire about whether a report should be made to law enforcement. It is always better to err on the side of reporting. Please be aware that even if you seek assistance from St. Thomas, you are still responsible for compliance with any mandatory reporting deadlines.

## **H. Can I just tell my supervisor or a professor?**

In most cases, no. Under the policy, all Required Reporters have a personal obligation to report to law enforcement. Mandatory reporters under the law have the same personal reporting obligation. Individuals can fulfill their reporting obligation by making a joint call to law enforcement with another Required Reporter (for example, a Required Reporter can call child protection services together with a staff member in Public Safety, Human Resources, the Dean of Students Office or the Office of General Counsel). Required reporters may also fulfill their obligation under this policy if the Office of General Counsel confirms in writing to the Required Reporter that the Office of General Counsel has made the required report and/or the Office of General Counsel advises that no report is required. Every Required Reporter and other mandatory reporter who knows or suspects child abuse is personally required to ensure that a required report has been made to law enforcement authorities.

Likewise, covered persons have a personal obligation to report directly to Public Safety (or, if the child abuse occurred more than three years ago, to the Office of General Counsel) any child abuse that appears to be connected to St. Thomas in any way. If you are personally aware of known or suspected child abuse and your supervisor or someone else informs you that a report already has been made to Public Safety, you still have an obligation to ensure that Public Safety knows. Call the non-emergency Public Safety number (651-962-5100) to confirm that a report has been made.

Students who work off-campus with children through an internship or other program should follow the program's procedures with respect to reporting child abuse they become aware of through such experience. Many such programs require reporting to a site supervisor, and the supervisor will make the mandatory report to law enforcement. In such cases, students who have been assured that a report has been made need not make an additional report to law enforcement. If the off-site program is a field practicum or student teaching program, a report should also be made to the student's faculty supervisor in accordance with program rules. If the student has any good faith doubts about whether a report was made to law enforcement, the student should consult with the professor or St. Thomas staff member associated with the off-campus program or with the Dean of Students.

## **I. What protection is there for reporters?**

Under Minnesota law, persons who make good faith reports of child abuse to law enforcement (including reports to a child protection services agency) are provided immunity from criminal and civil liability for such reports. In addition, St. Thomas prohibits retaliation by or against any person who makes a good faith report under the policy.

## **J. What if I don't make a report required by the policy?**

Any covered person who fails to make a report required by the policy may be subject to discipline, up to and including termination from employment or expulsion or suspension from St. Thomas. Any discipline will be administered in a manner consistent with any applicable handbook and will be based on the particular circumstances of the situation. If you are a mandatory reporter under Minnesota law, failure to make a report could subject you to criminal liability.

While all covered persons are expected to make reports required by the policy, a covered person who is or has been a direct victim of abuse by the same perpetrator will not be terminated, expelled or suspended for failing to make an immediate report.