1.0 BACKGROUND

The University of Wisconsin-Stout (UW-Stout) prioritizes safety and strives to provide a safe learning environment for everyone. Children come into contact with UW-Stout 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 UW-Stout.

2.0 DEFINITIONS

2.1 Child

Is a person who is less than 18 years of age.

2.2 “Abuse” of a child includes any of the following:

2.20 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.

2.21 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.

2.22 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.

2.23 Permitting, allowing or encouraging a child to violate the statute prohibiting prostitution.

2.24 Causing a child to view or listen to sexual activity for purposes of sexual arousal or sexual gratification.

2.25 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.

2.26 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.

2.27 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.
2.3 Sexual intercourse

Includes the meaning assigned under Wisconsin statutes s. 939.22 (36) as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal opening either by the defendant or upon the defendant’s instruction. The emission of semen is not required.

2.4 “Sexual Contact” includes any meaning assigned under Wisconsin statutes

s. 940.225 (5) (b), including intentional touching whether direct or through clothing.

2.5 Employee

Is any UW-Stout employee, including faculty, academic staff, classified staff, limited term employees (LTE), classified project staff, graduate assistants (GA), student employees (state payroll and work-study).

2.6 Contractor

Means any individual who is under contract with the university or who is paid through a payment to individual (PIR) report form.

2.7 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.

2.8 Volunteer

Individuals who have completed the UW-Stout volunteer form, and are therefore covered under workers compensation.

3.0 REPORTING REQUIREMENTS

3.1 Executive Order #54 requires that UW-Stout employees make a report of child abuse or neglect immediately if, in the course of employment, a UW-Stout 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.

3.2 This policy hereby establishes the requirements that volunteers, students fulfilling a course or program requirement, and contractors performing services for UW-Stout abide by the same reporting obligations as employees (as stated in Section 3.1 above) to the maximum extent feasible.

3.3 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. You should not delay making a report in order to gather evidence; the agency to whom you make the report will determine whether such an investigation is warranted.

3.4 A report must be made to the local County Human Services office or law enforcement. Dunn County Human Services is available at (715) 232-1116 or (715) 232-1348 after hours. For purposes of ensuring documentation of potential campus incidents, it is strongly advised for incidents on campus to report to UW-Stout Police either personally at 110 University Services Building, 817 South Broadway, during normal business hours, or by telephone (715) 232-2222 (24 hour per day /7 day per week number). See Appendix A for more information.

3.5 Executive Order #54 does not specifically address whether an employee must report information learned about an adult who was the victim of childhood abuse or neglect. Because making such a report may raise issues relating to state and federal law and professional codes of ethics, before making any report involving an adult who was the victim of child abuse or neglect, employees should contact the UW-System Office of General Counsel.

3.6 Child abuse or neglect involving UW-Stout includes:
1. An allegation against a UW-Stout employee, student, agent, volunteer, or contractor, or

2. The suspected child abuse or neglect occurred in or at UW-Stout facilities or on UW-Stout land, or

3. The suspected child abuse or neglect occurred during or in connection with a UW-Stout sponsored activity.

If the reported abuse or neglect involves UW-Stout, then it must be reported to UW-Stout Police and the employee’s supervisor. Any employee may request assistance from his or her supervisor in making this report. The Dean, Director, or Division Head must ensure that the report of abuse was submitted to UW-Stout Police. Deans, Directors, and Division Heads are encouraged to discuss allegations with the UW-System Office of General Counsel.

3.7 A UW-Stout employee who is a mandatory reporter by profession under Wis. Stat. § 48.981(2) (e.g., health practitioner, counselor, social worker, law enforcement officer, child care provider) must continue to comply with the state mandatory reporter law requirements.

3.8 UW-Stout employees may share information regarding suspected child abuse or neglect only with appropriate individuals, such as the UW-Stout Police Department, Human Resources, and supervisors/department heads, and co-workers when the employee is promptly seeking additional information for a report. Beyond appropriate disclosures, employees should treat the information as sensitive and confidential.

3.9 Questions regarding the applicability of these requirements to a particular individual or situation should be directed to the UW-System Office of General Counsel.

4.0 POLICY IMPLICATIONS AND CONSEQUENCES

4.1 No UW-Stout 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.

4.2 Any UW-Stout 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.

5.0 RESPONSIBILITIES OF UW-STOUT

5.1 Criminal background checks will be performed pursuant to the background check policy for UW-Stout, (Stout policy no. 07-61) and must be conducted on employees, volunteers, and contractors who have regular contact with children in the course of performing duties or services for UW-Stout or in connection with a UW-Stout sponsored activity.

5.2 All contractual arrangements must require the contractor to supply employees that have passed criminal background checks, if such employees will have regular contact with children.

5.3 To the maximum extent feasible, UW-Stout will include, in all written contracts for the provision of services by independent contractors, an obligation to report incidents of child abuse and neglect. Whenever possible, written contracts shall include the following provision:

If, in the course of providing services to UW-Stout, 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 or neglect to UW-Stout Police or the County Human Services Office (per Section 3.4.) of this policy.

5.4 UW-Stout 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.

5.5 UW-Stout employees and volunteers will be informed through this policy document, brochures, institutional websites, or other appropriate means about:
1. Executive Order #54;
2. Institutional policies and procedures;
3. Contact information for UW-Stout Police.
4. UW System resources on Executive Order #54

5.6 UW-Stout 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.

5.7 Any documentation related to a UW-Stout employee or volunteer report of child abuse or neglect will be stored and maintained in the secure, confidential records system at UW-Stout Police.
Appendix A
Reporting Requirements Contact Information

The following is the contact information for the venues where UW-Stout employees must report child abuse or neglect:

Dunn County Human Services: 715-232-1116  After Hours: 715-232-1348

UW-Stout Police: 715-232-2222  Emergency: 911

City of Menomonie Police: 715-232-2198  Emergency: 911